CARRYOVER

LEGISLATION

Bill Titles, Resolutions, and
Subject and Section Indexes
Introduced in the
Ninety-Ninth Legislature, First Session, 2005,
and Pending Before the
Ninety-Ninth Legislature, Second Session, 2006

January 4, 2006

STATUS OF CARRYOVER

BILLS

AND

RESOLUTIONS

Introduced in the
Ninety-Ninth Legislature, First Session, 2005
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Ninety-Ninth Legislature, Second Session, 2006

General File (133):

542	542A	500	500A	72	72A
32	508	87	85	85A	14
75	248	634	249	249A	336
79	99	295	62	419	44
341	325	372	452	562	132
346	346A	157	388	462	196
722	209	545	564	6	305
407	106	671	604	531	166
77	77A	180	317	584	654
529	529A	757	321	160	473
366	394	415	48	289	568
107	745	230	326	47	579
690	690A	65	65A	68	86
697	554	554A	101	680	445
120	140	293	4	4A	57
100	148	409	455	480	460
498	587	288	288A	438	438A
663	735	440	214	221	601
257	489	19	297	436	454
454A	275	277	507	322	535
572	633	677	677A	749	LR18CA
269	620	605	605A	746	188
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Select File (24):

70	70A	478	478A	548	614
614A	96	150	150A	563	7
287	360	362	363	648	649
650	647	LR2CA	673	673A	LR8CA

Final Reading (3):

71e	588	693e			

BILLS HELD BY COMMITTEES

Agriculture (3):

286	517	706			

Appropriations (21):

183	184	195	208	267	296
323	376	392	398	428	511
515	521	539	560	593	659
679	694	751			

Banking, Commerce and Insurance (5):

49	374	496	652	686	

Business and Labor (21):

134	192	219	245	354	420
433	434	435	463	486	487
488	524	590	608	641	656
661	741	743			

Education (43):

5	95	129	138	141	145
197	223	228	229	285	303
304	314	327	347	350	357
378	449	467	497	502	527
556	561	574	595	596	616
622	624	627	636	637	681
704	717	718	LR1CA	LR23	LR24CA
LR28CA					

Executive Board (7):

LR3CA	LR4CA	LR5CA	LR13CA	LR14CA	LR16CA
LR27CA					

General Affairs (2):

430	702				

Government, Military and Veterans Affairs (16):

58	103	232	337	379	432
443	459	483	490	509	565
602	657	701	LR11CA		

Health and Human Services (23):

158	182	204	258	271	307
318	370	387	416	522	549
550	586	606	618	623	625
666	705	712	719	728	

Judiciary (84):

30	42	43	50	64	81
91	93	104	112	128	143
152	168	173	178	179	181
194	200	207	213	260	278
279	280	281	282	292	294
308	316	345	349	377	385
393	403	429	431	437	457
464	469	481	504	505	506
510	536	537	540	541	567
580	585	592	609	611	617
621	632	642	643	653	660
669	670	674	700	714	724
726	727	729	730	740	747
750	752	759	760	LR22CA	LR26CA

Natural Resources (13):

23	34	102	153	190	225
226	340	359	397	552	638
731					

Nebraska Retirement Systems (8):

215	328	369	447	495	710
711	732				

Revenue (13):

231	235	309	358	399	523
526	543	578	635	667	695
696					

Transportation and Telecommunications (10):

24	127	220	400	458	470
559	631	665	678		

Urban Affairs (2):

163	748				

(Totals in parentheses include bills, A bills, and resolutions of each section.)

TITLES TO BILLS

LEGISLATIVE BILL 4. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to juveniles; to adopt the Interstate Compact for Juveniles; to provide for a compact administrator and an advisory council; and to outright repeal sections 43-1001 to 43-1010, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 4A. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 4, Ninety-ninth Legislature, First Session, 2005.

LEGISLATIVE BILL 5. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to the State Board of Education; to amend section 79-313, Reissue Revised Statutes of Nebraska; to change qualifications for membership; and to repeal the original section.

LEGISLATIVE BILL 6. Introduced by Thompson, 14; Price, 26.

A BILL FOR AN ACT relating to smoking and tobacco; to amend section 71-5707, Revised Statutes Supplement, 2004; to repeal the authority to establish certain designated smoking areas; and to repeal the original section.

LEGISLATIVE BILL 7. Introduced by Dw. Pedersen, 39; Connealy, 16; Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,157, Reissue Revised Statutes of Nebraska; to permit municipalities to allow pedestrians to solicit contributions on roadways as prescribed; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 14. Introduced by Landis, 46; Friend, 10.

A BILL FOR AN ACT relating to the State Natural Gas Regulation Act; to amend sections 66-1840 and 66-1841, Reissue Revised Statutes of Nebraska; to change provisions relating to the Public Service Commission; and to repeal the original sections.

LEGISLATIVE BILL 19. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.02, Reissue Revised Statutes of Nebraska; to change corporate income

tax calculations; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 23. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-101, Reissue Revised Statutes of Nebraska; to change provisions relating to membership and terms; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 24. Introduced by Erdman, 47; Combs, 32; Flood, 19.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,151, Reissue Revised Statutes of Nebraska; to provide requirements for drivers near parked authorized emergency vehicles; and to repeal the original section.

LEGISLATIVE BILL 30. Introduced by Natural Resources Committee: Schrock, 38, Chairperson; Hudkins, 21; Kremer, 34; Louden, 49; McDonald, 41; Stuhr, 24.

A BILL FOR AN ACT relating to liquefied petroleum gas; to require a notice to customers; to provide for immunity from damages for retailers, suppliers, handlers, and transporters as prescribed.

LEGISLATIVE BILL 32. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3218, Revised Statutes Supplement, 2004; to change provisions relating to per diem payments for board members as prescribed; and to repeal the original section.

LEGISLATIVE BILL 34. Introduced by Schrock, 38; Cunningham, 40.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-201, Reissue Revised Statutes of Nebraska; to provide for hunting, trapping, and target practice in designated public areas; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 42. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to liens; to amend sections 52-125, 52-126, 52-127, 52-132, 52-140, 52-141, 52-142, 52-145, 52-154, 52-155, 52-157, and 52-159, Reissue Revised Statutes of Nebraska; to change provisions relating to the Nebraska Construction Lien Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 43. Introduced by Redfield, 12; Cunningham, 40; Price, 26.

A BILL FOR AN ACT relating to employment; to provide immunity for employers for disclosure of employment information as prescribed.

LEGISLATIVE BILL 44. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3501, 77-3509.01 to 77-3509.03, 77-3510 to 77-3514, 77-3516, 77-3521, 77-3522, 77-3523, and 77-3529, Reissue Revised Statutes of Nebraska, and section 77-2716.01, Revised Statutes Supplement, 2004; to change income tax deductions as prescribed; to create a homestead exemption; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 47. Introduced by Landis, 46; Beutler, 28; Raikes, 25; Brashear, 4.

A BILL FOR AN ACT relating to postsecondary education; to adopt the Distinguished Professorship Act.

LEGISLATIVE BILL 48. Introduced by Landis, 46.

A BILL FOR AN ACT relating to natural gas; to amend sections 66-1801, 66-1804, 66-1852, and 75-109.01, Reissue Revised Statutes of Nebraska, and section 13-2802, Revised Statutes Supplement, 2004; to change provisions relating to the State Natural Gas Regulation Act; to provide and change powers and duties; to repeal the original sections; and to outright repeal sections 57-1301 to 57-1307, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 49. Introduced by Landis, 46.

A BILL FOR AN ACT relating to securities; to amend sections 8-1723, 8-1726, 21-2116, 44-708, 45-101.04, 45-191.09, 45-1004, 58-703, 58-711, 59-1715, 59-1722, 59-1724, 59-1725.01, 69-2117, 70-734, 76-882, 76-1304, 76-1717, 76-2120, and 81-1270, Reissue Revised Statutes of Nebraska, and sections 8-1122.01, 23-35,116, 29-110, and 87-301, Revised Statutes Supplement, 2004; to adopt the Nebraska Uniform Securities Act; to provide penalties; to rename and create a fund; to eliminate certain provisions of the Securities Act of Nebraska; to eliminate obsolete language; to harmonize provisions; to provide severability; to provide an operative date; to repeal the original sections; and to outright repeal sections 8-1102, 8-1104, 8-1106, 8-1107, 8-1108, 8-1108.02, 8-1108.03, 8-1109, 8-1112, 8-1114, 8-1115, 8-1118, and 8-1119, Reissue Revised Statutes of Nebraska, and sections 8-1101, 8-1103, 8-1105, 8-1108.01, 8-1109.01, 8-1109.02, 8-1110, 8-1111, 8-1113, 8-1116, 8-1117, 8-1120, 8-1121, 8-1122, and 8-1123, Revised Statutes Supplement, 2004.

LEGISLATIVE BILL 50. Introduced by Landis, 46.

A BILL FOR AN ACT relating to housing; to amend sections 20-132, 20-134, 20-301, 20-303, 20-317, 20-318, 20-320, 20-321, 20-325, 68-1605, 71-15,134, and 76-1495, Reissue Revised Statutes of Nebraska, and section 20-139, Revised Statutes Supplement, 2004; to define terms; to prohibit discrimination based upon sexual orientation; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 57. Introduced by Foley, 29; Dw. Pedersen, 39; Erdman, 47; Flood, 19; Friend, 10.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 60-6,198, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2004; to adopt the Assault of an Unborn Child Act; to provide penalties; to provide a penalty for causing serious bodily injury to an unborn child while driving under the influence; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 58. Introduced by Mines, 18; Cunningham, 40.

A BILL FOR AN ACT relating to employment; to amend sections 81-113, 81-117, and 84-1001, Reissue Revised Statutes of Nebraska; to eliminate recognition of holiday proclamations by the President of the United States; and to repeal the original sections.

LEGISLATIVE BILL 62. Introduced by Beutler, 28; Friend, 10; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to medical liens; to amend section 52-401, Reissue Revised Statutes of Nebraska; to provide for liens for chiropractors; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 64. Introduced by Synowiecki, 7; Cornett, 45; Howard, 9; Dw. Pedersen, 39; Foley, 29; Kopplin, 3.

A BILL FOR AN ACT relating to peace officers; to adopt the Peace Officer Employer-Employee Relations Act.

LEGISLATIVE BILL 65. Introduced by Foley, 29; Pahls, 31; Schrock, 38; Redfield, 12.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-310, 60-311.11, and 60-315, Reissue Revised Statutes of Nebraska; to provide for Military Plates; to change provisions for message plates; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 65A. Introduced by Foley, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 65, Ninety-ninth Legislature, First Session, 2005.

LEGISLATIVE BILL 68. Introduced by Smith, 48; Baker, 44.

A BILL FOR AN ACT relating to license plates; to amend sections 60-311.03, 60-311.04, 60-311.08, and 60-311.09, Reissue Revised Statutes of Nebraska; to provide for issuance of certain license plates to spouses of veterans as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 70. Introduced by Smith, 48; Baker, 44; Cunningham, 40; Mines, 18; Bourne, 8; Erdman, 47; Connealy, 16; McDonald, 41; Combs, 32; Burling, 33; Redfield, 12; Schrock, 38.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-2215, 60-336, 60-4,115, 60-4,127, 60-4,128, 60-4,182, 60-6,279, 60-2125, 60-2126, 60-2129, 60-2130, 60-2131, 60-2132, 60-2133, and 60-2135 to 60-2139, Reissue Revised Statutes of Nebraska; to adopt the Motorcycle Safety and Training Act; to change and eliminate provisions relating to motorcycle safety and helmets; to create a fund and terminate a fund; to provide a penalty; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 60-2120, 60-2121, 60-2127, 60-2128, and 60-2134, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 70A. Introduced by Smith, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 70, Ninety-ninth Legislature, First Session, 2005.

LEGISLATIVE BILL 71. Introduced by Stuhr, 24; Baker, 44; Burling, 33; Combs, 32; Connealy, 16; Cunningham, 40; Erdman, 47; Fischer, 43; Hudkins, 21; Janssen, 15; Kremer, 34; Louden, 49; Raikes, 25; Smith, 48; Wehrbein, 2.

A BILL FOR AN ACT relating to agriculture; to amend sections 58-202 and 58-242, Reissue Revised Statutes of Nebraska; to reenact the Agricultural Opportunities and Value-Added Partnerships Act; to provide a termination date; to modify provisions involving agricultural projects under the Nebraska Investment Finance Authority Act; to eliminate an obsolete provision; to repeal the original sections; to outright repeal sections 2-5401 to 2-5412 and 90-527, Revised Statutes Supplement, 2004; and to declare an emergency.

LEGISLATIVE BILL 72. Introduced by Stuhr, 24; Aguilar, 35.

A BILL FOR AN ACT relating to security services; to adopt the Security Personnel Licensing Act; and to provide penalties.

LEGISLATIVE BILL 72A. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 72, Ninety-ninth Legislature, First Session, 2005.

LEGISLATIVE BILL 75. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to public improvements; to amend section 15-201, Reissue Revised Statutes of Nebraska, and section 14-102, Revised Statutes Supplement, 2004; to authorize cities of the primary class and metropolitan class to make public improvements and assess the cost of the improvements; and to repeal the original sections.

LEGISLATIVE BILL 77. Introduced by Baker, 44.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-2401, 60-360, 77-1342, and 79-1018.01, Reissue Revised Statutes of Nebraska, and section 13-518, Revised Statutes Supplement, 2004; to change distribution and allocation of certain motor vehicle registration fees; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 77A. Introduced by Baker, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 77, Ninety-ninth Legislature, First Session, 2005.

LEGISLATIVE BILL 79. Introduced by Baker, 44; Brown, 6.

A BILL FOR AN ACT relating to railroad safety; to amend section 74-1334, Reissue Revised Statutes of Nebraska; to change provisions relating to crossings; and to repeal the original section.

LEGISLATIVE BILL 81. Introduced by Baker, 44.

A BILL FOR AN ACT relating to law enforcement; to amend sections 60-304 and 60-480.01, Reissue Revised Statutes of Nebraska; to authorize the issuance of undercover license plates and undercover drivers' licenses to federal law enforcement agencies; and to repeal the original sections.

LEGISLATIVE BILL 85. Introduced by Byars, 30.

A BILL FOR AN ACT relating to personal assets; to amend sections 12-1106 and 68-129, Reissue Revised Statutes of Nebraska; to change provisions relating to designation of irrevocable funds; to harmonize provisions; and to repeal the

original sections.

LEGISLATIVE BILL 85A. Introduced by Byars, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 85, Ninety-ninth Legislature, First Session, 2005.

LEGISLATIVE BILL 86. Introduced by Byars, 30.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-311.03, Reissue Revised Statutes of Nebraska; to change requirements for Pearl Harbor survivor plates; and to repeal the original section.

LEGISLATIVE BILL 87. Introduced by Byars, 30.

A BILL FOR AN ACT relating to deaf and hard of hearing persons; to amend sections 20-158, 71-4728, and 71-4728.05, Reissue Revised Statutes of Nebraska, and sections 20-150, 20-151, and 20-156, Revised Statutes Supplement, 2004; to change provisions relating to interpreters, the Commission for the Deaf and Hard of Hearing, and the Interpreter Review Board; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 91. Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1801, Reissue Revised Statutes of Nebraska; to change provisions relating to claims, expenses, and attorney's fees; and to repeal the original section.

LEGISLATIVE BILL 93. Introduced by Byars, 30; Smith, 48.

A BILL FOR AN ACT relating to crime victims and witnesses assistance; to amend sections 81-1844 and 81-1845, Revised Statutes Supplement, 2004; to prescribe a defendant surcharge for funding; to change provisions relating to a fund and to victim and witness assistance centers; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 95. Introduced by Janssen, 15; Raikes, 25.

A BILL FOR AN ACT relating to school reorganization; to amend sections 79-419 and 79-443, Reissue Revised Statutes of Nebraska; to change provisions relating to holding school in existing buildings as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 96. Introduced by Janssen, 15; Aguilar, 35; Schimek, 27; Erdman, 47.

A BILL FOR AN ACT relating to education; to amend section 85-505, Reissue Revised Statutes of Nebraska; to change Nebraska National Guard member tuition credit provisions; and to repeal the original section.

LEGISLATIVE BILL 99. Introduced by Synowiecki, 7; Connealy, 16.

A BILL FOR AN ACT relating to elevator safety; to amend sections 48-418 to 48-418.03 and 48-418.05 to 48-418.11, Reissue Revised Statutes of Nebraska; to adopt the Conveyance Safety Act; to transfer and eliminate provisions relating to elevators; to create a committee; to rename a fund; to provide penalties; to provide an operative date; to repeal the original sections; and to outright repeal sections 48-418.04, 48-418.12 and 48-418.14, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 100. Introduced by Stuhr, 24; Cornett, 45; Friend, 10; McDonald, 41.

A BILL FOR AN ACT relating to police animals; to amend section 28-906, Reissue Revised Statutes of Nebraska, and section 28-1008, Revised Statutes Supplement, 2004; to redefine the term for certain crimes; and to repeal the original sections.

LEGISLATIVE BILL 101. Introduced by Byars, 30; Chambers, 11; Jensen, 20; Stuthman, 22; Connealy, 16; Engel, 17.

A BILL FOR AN ACT relating to health and human services; to state intent relating to a medicaid waiver; to provide for intensive early intervention behavior therapy services for children with autism spectrum disorder; to provide payment rates; to require a report; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 102. Introduced by Natural Resources Committee: Schrock, 38, Chairperson; Hudkins, 21; Kopplin, 3; Kremer, 34; McDonald, 41; Stuhr, 24; and Beutler, 28; Preister, 5.

A BILL FOR AN ACT relating to storm water drainage; to amend sections 18-501 to 18-505 and 18-507 to 18-510, Reissue Revised Statutes of Nebraska; to change provisions relating to sewer system charges and fees; to authorize storm water management programs for cities, counties, and natural resources districts as prescribed; to provide powers and duties; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 103. Introduced by Synowiecki, 7; Preister, 5.

A BILL FOR AN ACT relating to veterans; to amend sections 80-316 and 80-401.01, Reissue Revised Statutes of Nebraska; to change provisions relating

to eligibility for admission to veterans homes and for benefits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 104. Introduced by Thompson, 14; Jensen, 20.

A BILL FOR AN ACT relating to civil rights; to allow breast-feeding as prescribed.

LEGISLATIVE BILL 106. Introduced by Byars, 30; Aguilar, 35; Baker, 44; Connealy, 16; Jensen, 20; Schimek, 27; Stuhr, 24; Thompson, 14; Johnson, 37.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-4,182, 60-6,267, 60-6,268, 60-6,270, 60-6,271, and 60-6,272, Reissue Revised Statutes of Nebraska; to require all occupants in motor vehicles to wear occupant protection systems; to change points and fines assessed for such violation; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 107. Introduced by Friend, 10.

A BILL FOR AN ACT relating to alcoholic liquor; to amend sections 53-1,104 and 53-1,106, Reissue Revised Statutes of Nebraska; to change provisions relating to retail license suspension; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 112. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to criminal procedure; to require electronic recording of custodial interrogations as prescribed.

LEGISLATIVE BILL 120. Introduced by Louden, 49; Erdman, 47; Kremer, 34; Smith, 48; Stuhr, 24.

A BILL FOR AN ACT relating to agriculture; to amend section 54-2419, Reissue Revised Statutes of Nebraska; to change provisions of the Livestock Waste Management Act relating to permit conditions; and to repeal the original section.

LEGISLATIVE BILL 127. Introduced by Cunningham, 40; Burling, 33; Combs, 32; Kremer, 34; McDonald, 41; Price, 26; Stuthman, 22.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Reissue Revised Statutes of Nebraska; to authorize the reporting of school bus safety violations as prescribed; and to repeal the original section.

LEGISLATIVE BILL 128. Introduced by Hudkins, 21; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to crimes and offenses; to amend section

28-101, Revised Statutes Supplement, 2004; to create the offense of interference with child visitation; to provide penalties; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 129. Introduced by Education Committee: Raikes, 25, Chairperson; Bourne, 8; Byars, 30; Schrock, 38; Stuhr, 24; and Stuthman, 22.

A BILL FOR AN ACT relating to schools; to amend sections 79-1002, 79-1003, 79-1007.01, and 79-1083.03, Reissue Revised Statutes of Nebraska, and sections 77-3442, 79-1001, 79-1007.02, 79-1008.01, 79-1009, 79-1022, and 79-1028, Revised Statutes Supplement, 2004; to provide for adjustments and allowances and change provisions relating to the state aid formula under the Tax Equity and Educational Opportunities Support Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 132. Introduced by Cunningham, 40; Burling, 33; Connealy, 16; Preister, 5; Mines, 18.

A BILL FOR AN ACT relating to agriculture; to amend section 2-3903, Reissue Revised Statutes of Nebraska, and section 2-3901, Revised Statutes Supplement, 2004; to change provisions of the Nebraska Pasteurized Milk Law; to provide for a waiver as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 134. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-121, Reissue Revised Statutes of Nebraska; to change disability compensation provisions; and to repeal the original section.

LEGISLATIVE BILL 138. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the educational savings plan; to amend sections 85-1803 and 85-1806, Revised Statutes Supplement, 2004; to increase benefits payable for attendance at a Nebraska institution of higher education; and to repeal the original sections.

LEGISLATIVE BILL 140. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Water Well Standards and Contractors' Licensing Board; to amend section 46-1217, Reissue Revised Statutes of Nebraska; to change provisions relating to membership; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 141. Introduced by Price, 26.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities

Support Act; to eliminate certain budget restrictions; and to outright repeal section 79-1027, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 143. Introduced by Price, 26; Aguilar, 35; Beutler, 28; Combs, 32; Foley, 29.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-4101 to 29-4109, 29-4112, 29-4114, and 29-4115, Revised Statutes Supplement, 2004; to rename the DNA Detection of Sexual and Violent Offenders Act; to require all felons released from confinement to provide personal identifiers; to harmonize provisions; to repeal the original sections; and to outright repeal section 29-4113, Revised Statutes Supplement, 2004.

LEGISLATIVE BILL 145. Introduced by Price, 26.

A BILL FOR AN ACT relating to schools; to provide for school bond state aid; to state intent; to define terms; and to provide duties for the State Department of Education.

LEGISLATIVE BILL 148. Introduced by Aguilar, 35; Bourne, 8; Howard, 9; McDonald, 41; Preister, 5; Price, 26; Schimek, 27; Stuthman, 22.

A BILL FOR AN ACT relating to child abuse; to amend section 28-707, Revised Statutes Supplement, 2004; to proscribe children near methamphetamine production; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 150. Introduced by Kremer, 34; Baker, 44; Burling, 33; Combs, 32; Cudaback, 36; Cunningham, 40; Erdman, 47; Fischer, 43; Heidemann, 1; Hudkins, 21; Louden, 49; Raikes, 25; Schrock, 38; Smith, 48; Stuhr, 24; Stuthman, 22; Wehrbein, 2.

A BILL FOR AN ACT relating to agriculture; to adopt the Nebraska Beef Industry Development Act; to provide a penalty; to create a fund; and to provide operative dates.

LEGISLATIVE BILL 150A. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 150, Ninety-ninth Legislature, First Session, 2005.

LEGISLATIVE BILL 152. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to vehicular pursuit; to amend sections 13-911 and 81-8,215.01, Reissue Revised Statutes of Nebraska; to change provisions relating to innocent third parties; to harmonize provisions; and to repeal the

original sections.

LEGISLATIVE BILL 153. Introduced by Baker, 44.

A BILL FOR AN ACT relating to oil and gas; to amend section 57-909, Reissue Revised Statutes of Nebraska; to change provisions relating to recovery of expenses relating to wells as prescribed; and to repeal the original section.

LEGISLATIVE BILL 157. Introduced by Baker, 44.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-128 and 86-575, Revised Statutes Supplement, 2004; to reenact provisions relating to issuance of certificates and permits to agencies and political subdivisions of the state and the provision of telecommunications services by such agencies and political subdivisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 158. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-3305, Reissue Revised Statutes of Nebraska; to change provisions relating to fluoridation of drinking water; and to repeal the original section.

LEGISLATIVE BILL 160. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to the Legislature; to create a task force to examine county government.

LEGISLATIVE BILL 163. Introduced by Bourne, 8; Thompson, 14.

A BILL FOR AN ACT relating to the Mutual Finance Assistance Act; to amend section 35-1205, Reissue Revised Statutes of Nebraska; to change provisions relating to the Mutual Finance Assistance Fund; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 166. Introduced by Synowiecki, 7; Combs, 32; Connealy, 16.

A BILL FOR AN ACT relating to labor; to amend sections 48-2102, 48-2104, 48-2107, 48-2114, and 48-2115, Reissue Revised Statutes of Nebraska; to change provisions relating to the Contractor Registration Act; and to repeal the original sections.

LEGISLATIVE BILL 168. Introduced by Landis, 46.

A BILL FOR AN ACT relating to witness fees; to amend section 33-139.01, Reissue Revised Statutes of Nebraska; to change provisions relating to

employees of the state or a political subdivision; and to repeal the original section.

LEGISLATIVE BILL 173. Introduced by Hudkins, 21; Bourne, 8; Engel, 17; Jensen, 20; McDonald, 41; Stuthman, 22; Cunningham, 40.

A BILL FOR AN ACT relating to the Uniform Disposition of Unclaimed Property Act; to amend section 69-1305.02, Reissue Revised Statutes of Nebraska; to change provisions relating to gift certificates; and to repeal the original section.

LEGISLATIVE BILL 178. Introduced by Kruse, 13; Aguilar, 35; Burling, 33; Cornett, 45; Howard, 9; Kremer, 34; McDonald, 41; Price, 26; Redfield, 12; Schrock, 38; Synowiecki, 7; Wehrbein, 2; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-180.04 and 53-180.05, Reissue Revised Statutes of Nebraska; to provide and change penalties; to provide for license suspension for minors' violations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 179. Introduced by Kruse, 13; Aguilar, 35; Burling, 33; Cornett, 45; Erdman, 47; Flood, 19; Heidemann, 1; Howard, 9; Kremer, 34; McDonald, 41; Pahls, 31; Price, 26; Redfield, 12; Schrock, 38; Smith, 48; Synowiecki, 7; Wehrbein, 2.

A BILL FOR AN ACT relating to child abuse; to amend sections 28-201 and 28-707, Revised Statutes Supplement, 2004; to provide a penalty for driving under the influence with a minor child passenger; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 180. Introduced by Schimek, 27; Connealy, 16; Cunningham, 40; Janssen, 15; Preister, 5.

A BILL FOR AN ACT relating to the Legislature; to create the State-Tribal Relations Committee.

LEGISLATIVE BILL 181. Introduced by Schimek, 27; Aguilar, 35; Byars, 30; Connealy, 16; Preister, 5; Price, 26; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101 and 28-710, Revised Statutes Supplement, 2004; to provide a penalty for leaving a child unattended in a motor vehicle as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 182. Introduced by Schimek, 27; Combs, 32; Erdman, 47; Stuthman, 22; Preister, 5.

A BILL FOR AN ACT relating to dental hygienists; to amend sections 71-193.15 to 71-193.17, Reissue Revised Statutes of Nebraska; to change provisions relating to authorized functions; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 183. Introduced by D. Pederson, 42.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Supplement, 2004; to delete obsolete transfer provisions; and to repeal the original section.

LEGISLATIVE BILL 184. Introduced by D. Pederson, 42.

A BILL FOR AN ACT relating to state funds; to create the Low-Level Radioactive Waste Settlement Fund.

LEGISLATIVE BILL 188. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 32-1601, 32-1603, 32-1604, 32-1604.01, 32-1606, 32-1608, 32-1608.01, 32-1608.03, 32-1612, 49-1446.04, 49-1463.01, 49-14,124, and 49-14,125, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions regarding campaign expenditures and public funds; to provide for loans and late fees; to change penalty provisions; to change powers and duties of the Nebraska Accountability and Disclosure Commission; to eliminate unconstitutional provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 32-1614, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 190. Introduced by Preister, 5.

A BILL FOR AN ACT relating to recycling; to amend sections 81-15,167 and 81-15,173, Revised Statutes Supplement, 2004; to adopt the Electronic Equipment Recycling Act; to provide duties under the Nebraska Environmental Trust Act; to create a fund; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 192. Introduced by Preister, 5.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-121, Reissue Revised Statutes of Nebraska; to change provisions relating to disability payments during vocational rehabilitation; and to repeal the original section.

LEGISLATIVE BILL 194. Introduced by Thompson, 14; Cornett, 45.

A BILL FOR AN ACT relating to liens; to amend section 52-401, Reissue

Revised Statutes of Nebraska; to change provisions relating to medical liens; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 195. Introduced by Cornett, 45; Combs, 32; Kruse, 13.

A BILL FOR AN ACT relating to administrative license revocation; to provide reimbursement to counties and cities as prescribed; to create a fund; and to provide for appropriations.

LEGISLATIVE BILL 196. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-1402 and 85-1409, Reissue Revised Statutes of Nebraska, and sections 85-1414 and 85-1920, Revised Statutes Supplement, 2004; to redefine terms; to change provisions relating to quorum and project review; to provide for carryover of appropriations; and to repeal the original sections.

LEGISLATIVE BILL 197. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1018.01, Reissue Revised Statutes of Nebraska; to change provisions relating to formula resources; and to repeal the original section.

LEGISLATIVE BILL 200. Introduced by Friend, 10; Hudkins, 21; Redfield, 12.

A BILL FOR AN ACT relating to law enforcement; to amend sections 13-926 and 81-8,239.01, Reissue Revised Statutes of Nebraska; to eliminate the strict liability requirement for pursuits by law enforcement officers; to harmonize provisions; to repeal the original sections; and to outright repeal sections 13-911 and 81-8,215.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 204. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to medical services; to amend section 47-703, Reissue Revised Statutes of Nebraska, and sections 71-919, 71-922, and 71-926, Revised Statutes Supplement, 2004; to provide a rate of payment for certain medical services and emergency protective custody situations; and to repeal the original sections.

LEGISLATIVE BILL 207. Introduced by Stuthman, 22; McDonald, 41; Raikes, 25; Smith, 48.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1629.04, Reissue Revised Statutes of Nebraska; to provide for service of juror summons by first-class mail; and to repeal the original section.

LEGISLATIVE BILL 208. Introduced by Stuthman, 22; Byars, 30; Combs, 32; Jensen, 20; Price, 26; Smith, 48; Synowiecki, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services Finance and Support.

LEGISLATIVE BILL 209. Introduced by General Affairs Committee: Janssen, 15, Chairperson; Connealy, 16; Cornett, 45; Erdman, 47; Fischer, 43; Friend, 10; Landis, 46.

A BILL FOR AN ACT relating to gambling; to amend sections 9-239 and 9-424, Reissue Revised Statutes of Nebraska, and sections 9-232.01, 9-232.02, 9-233, 9-255.06, 9-328, 9-329, 9-329.02, and 9-425, Revised Statutes Supplement, 2004; to change and eliminate provisions relating to licenses and fees under the Nebraska Bingo Act, the Nebraska Pickle Card Lottery Act, and the Nebraska Lottery and Raffle Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 213. Introduced by Cudaback, 36; Janssen, 15; Kruse, 13.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Reissue Revised Statutes of Nebraska; to prohibit use of a mobile telephone as prescribed; to provide a penalty; to provide for enforcement; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 214. Introduced by Beutler, 28; Brown, 6.

A BILL FOR AN ACT relating to tourism; to adopt the Nebraska Treasures Act; to provide for designation, development, and promotion of Nebraska Treasures.

LEGISLATIVE BILL 215. Introduced by Brown, 6.

A BILL FOR AN ACT relating to state government; to amend sections 84-1504 and 84-1613, Revised Statutes Supplement, 2004; to authorize additional deferred compensation contributions as prescribed; to provide health insurance coverage for certain employees; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 219. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-118, 48-177, and 48-1,110, Reissue Revised Statutes of Nebraska; to change provisions relating to third-party claims and dismissal of a cause of action; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 220. Introduced by Cunningham, 40; Stuhr, 24.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-462, 60-480, 60-4,112, 60-4,120.01, 60-4,120.02, 60-4,123, 60-4,124, 60-4,125, and 60-6,267, Reissue Revised Statutes of Nebraska; to change provisions relating to provisional operator's permits, school permits, LPD-learner's permits, and LPE-learner's permits; to require the use of occupant protection systems as prescribed; to eliminate provisions regarding operation of a motor vehicle; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 60-4,123.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 221. Introduced by Cunningham, 40.

A BILL FOR AN ACT relating to maintenance of county roads; to amend sections 39-1811 and 39-1812, Reissue Revised Statutes of Nebraska; to modify provisions regarding the mowing of weeds; to modify provisions regarding the trimming of trees; and to repeal the original sections.

LEGISLATIVE BILL 223. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to schools; to create the School Finance Review Committee; and to provide powers and duties.

LEGISLATIVE BILL 225. Introduced by Smith, 48; Erdman, 47; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to solid waste; to amend section 18-1752.02, Reissue Revised Statutes of Nebraska; to change provisions relating to commencement of municipal collection service; and to repeal the original section.

LEGISLATIVE BILL 226. Introduced by Smith, 48; Erdman, 47; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to solid waste; to amend section 18-1752.02, Reissue Revised Statutes of Nebraska; to provide requirements and procedures for condemnation of private collection services; to define terms; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 228. Introduced by Howard, 9; Kruse, 13; Thompson, 14.

A BILL FOR AN ACT relating to school funding; to amend section 79-1003, Reissue Revised Statutes of Nebraska, and sections 77-3442 and 79-1028, Revised Statutes Supplement, 2004; to change provisions relating to levy limitations; to define a term; to permit districts to exceed the applicable

allowable growth rate as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 229. Introduced by Howard, 9.

A BILL FOR AN ACT relating to education; to amend sections 79-528 and 79-1003, Reissue Revised Statutes of Nebraska; to change fall membership reporting requirements; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 230. Introduced by Redfield, 12; Aguilar, 35; Baker, 44; Beutler, 28; Bourne, 8; Byars, 30; Chambers, 11; Combs, 32; Connealy, 16; Cornett, 45; Cudaback, 36; Cunningham, 40; Fischer, 43; Friend, 10; Howard, 9; Hudkins, 21; Johnson, 37; Kopplin, 3; Kruse, 13; Landis, 46; Louden, 49; Mines, 18; Pahls, 31; Dw. Pedersen, 39; D. Pederson, 42; Preister, 5; Price, 26; Raikes, 25; Schimek, 27; Schrock, 38; Stuhr, 24; Stuthman, 22; Synowiecki, 7; Thompson, 14.

A BILL FOR AN ACT relating to labor; to change provisions relating to labor organizations; to require reimbursement of a pro rata share of legal fees and court costs; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 231. Introduced by Heidemann, 1; Burling, 33; Combs, 32; Cudaback, 36; Cunningham, 40; Fischer, 43; Hudkins, 21; Janssen, 15; Kopplin, 3; Kremer, 34; Louden, 49; McDonald, 41; Schrock, 38; Baker, 44; Flood, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3442, Revised Statutes Supplement, 2004; to change provisions relating to permissible school levies; and to repeal the original section.

LEGISLATIVE BILL 232. Introduced by Brown, 6; Schimek, 27; Redfield, 12.

A BILL FOR AN ACT relating to county officials; to amend sections 23-1701, 23-1901, 23-3201, 32-518 to 32-523, 32-525, and 32-526, Reissue Revised Statutes of Nebraska; to authorize interlocal agreements relating to the powers and duties of county officials; to change election provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 235. Introduced by Connealy, 16; Cunningham, 40; Flood, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.45, Reissue Revised Statutes of Nebraska; to exempt certain materials used in the manufacture of steel or cement from sales and use tax; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 239. Introduced by Schimek, 27; Aguilar, 35; Combs, 32; Kruse, 13; Preister, 5; Synowiecki, 7; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to postsecondary educational institutions; to amend section 85-502, Reissue Revised Statutes of Nebraska; to change provisions relating to determination of residency; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 245. Introduced by Louden, 49; Combs, 32.

A BILL FOR AN ACT relating to employment security law; to amend section 48-628, Reissue Revised Statutes of Nebraska; to change provisions relating to benefit disqualification; and to repeal the original section.

LEGISLATIVE BILL 248. Introduced by Baker, 44.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 60-3004, Reissue Revised Statutes of Nebraska; to change motor vehicle tax calculations as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 249. Introduced by Baker, 44.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-462.01, 60-484, 60-484.01, 60-484.02, 60-4,113, 60-4,115, 60-4,117, 60-4,119, 60-4,120, 60-4,120.01, 60-4,122, 60-4,123.01, 60-4,124, 60-4,126, 60-4,127, 60-4,130, 60-4,130.02, 60-4,151, 60-4,173, 60-4,174, 60-4,175, 60-4,180, 60-1515, and 60-2904, Reissue Revised Statutes of Nebraska; to change provisions relating to the Motor Vehicle Operator's License Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 249A. Introduced by Baker, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 249, Ninety-ninth Legislature, First Session, 2005.

LEGISLATIVE BILL 257. Introduced by Beutler, 28; Redfield, 12.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-1,110, Reissue Revised Statutes of Nebraska; to provide for coordination of claims and benefits under laws of different jurisdictions; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 258. Introduced by Burling, 33; Stuthman, 22.

A BILL FOR AN ACT relating to public assistance; to amend section 68-115,

Reissue Revised Statutes of Nebraska; to change provisions relating to legal settlement; and to repeal the original section.

LEGISLATIVE BILL 260. Introduced by Stuhr, 24; Beutler, 28; Brown, 6; Combs, 32; Fischer, 43; Howard, 9; Hudkins, 21; Landis, 46; McDonald, 41; Price, 26; Redfield, 12; Schimek, 27; Thompson, 14; Aguilar, 35.

A BILL FOR AN ACT relating to human rights; to create a task force; to provide duties; and to declare an emergency.

LEGISLATIVE BILL 267. Introduced by Howard, 9; Aguilar, 35; Bourne, 8; Connealy, 16; Cornett, 45; Kruse, 13; Louden, 49; Preister, 5; Price, 26; Schimek, 27; Thompson, 14.

A BILL FOR AN ACT relating to social services; to amend sections 68-1207 and 68-1207.01, Reissue Revised Statutes of Nebraska; to state intent; to appropriate funds; and to repeal the original sections.

LEGISLATIVE BILL 269. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to minors; to provide for judicial emancipation of minors.

LEGISLATIVE BILL 271. Introduced by Combs, 32; Burling, 33.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend section 71-1,307, Reissue Revised Statutes of Nebraska; to redefine mental health practice; and to repeal the original section.

LEGISLATIVE BILL 275. Introduced by Transportation and Telecommunications Committee: Baker, 44, Chairperson; Aguilar, 35; Foley, 29; Hudkins, 21; Smith, 48; Stuthman, 22.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-302, 60-311.02 to 60-311.05, 60-311.08 to 60-311.10, 60-311.15, 60-311.16, 60-311.20, 60-311.23, 60-312, 60-320, 60-323, 60-326.01, 60-331, 60-332, 60-465, 60-6,356, 60-1407.03, 60-1407.04, 60-1801, 60-2701, 60-3003, 60-3005, 60-3005.01, and 60-3007, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions relating to registration applications, license plates, historical vehicles, transporter plates, trailers, registration fees, all-terrain vehicles, and motor vehicle taxes and fees; to provide and change powers and duties; to change penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 277. Introduced by Transportation and Telecommunications Committee: Baker, 44, Chairperson; Aguilar, 35; Foley, 29; Hudkins, 21; Smith, 48; Stuthman, 22.

A BILL FOR AN ACT relating to certificates of title; to amend sections 60-102 to 60-107, 60-108, 60-110, 60-111, 60-112, 60-114, 60-115, 60-117, 60-129.05, 60-139, 60-146, 60-147, 60-150, 60-151, 60-152, 60-154, 60-155, 60-157, 60-158, 60-162, 60-168, 60-169, and 60-314, Reissue Revised Statutes of Nebraska, and section 23-186, Revised Statutes Supplement, 2004; to change provisions relating to applicability of law, vehicle identification numbers, lost certificates, liens, and dealers; to eliminate provisions relating to refiling of certificates; to harmonize provisions; to repeal the original sections; and to outright repeal section 60-107.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 278. Introduced by Cunningham, 40; Combs, 32; Engel, 17; Erdman, 47; Jensen, 20.

A BILL FOR AN ACT relating to medical assistance; to amend section 30-2201, Revised Statutes Supplement, 2004; to provide for notice of appointment of a personal representative under the Nebraska Probate Code as prescribed; to provide a lien against third parties for payment of medical assistance; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 279. Introduced by Combs, 32.

A BILL FOR AN ACT relating to civil procedure; to provide for attorney's fees in contract actions as prescribed; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 280. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to abuse and neglect; to amend sections 28-727, 28-807, and 28-813.02, Reissue Revised Statutes of Nebraska, and sections 28-710 and 28-711, Revised Statutes Supplement, 2004; to define terms; to provide additional reporting requirements and immunity; and to repeal the original sections.

LEGISLATIVE BILL 281. Introduced by Cornett, 45; Combs, 32; Connealy, 16; Janssen, 15; Kruse, 13.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to amend sections 13-919 and 13-920, Reissue Revised Statutes of Nebraska; to change limitation of action provisions; and to repeal the original sections.

LEGISLATIVE BILL 282. Introduced by Redfield, 12; Combs, 32; Cunningham, 40; Erdman, 47; Friend, 10; Janssen, 15; Jensen, 20; Kruse, 13; Pahls, 31; Smith, 48; Stuthman, 22.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-603 and 28-604, Revised Statutes Supplement, 2004; to provide for the

aggregation of amounts in determining the classification of offenses for forgery in the second degree and criminal possession of a forged instrument; and to repeal the original sections.

LEGISLATIVE BILL 285. Introduced by Stuthman, 22; Combs, 32; Jensen, 20; Johnson, 37; Schimek, 27; Louden, 49.

A BILL FOR AN ACT relating to schools; to adopt the Nutrition in Schools Act.

LEGISLATIVE BILL 286. Introduced by McDonald, 41; Louden, 49.

A BILL FOR AN ACT relating to fences; to amend section 34-110, Reissue Revised Statutes of Nebraska; to change fence viewers' fees; and to repeal the original section.

LEGISLATIVE BILL 287. Introduced by McDonald, 41; Janssen, 15; Louden, 49.

A BILL FOR AN ACT relating to cemeteries; to require a study and report as prescribed.

LEGISLATIVE BILL 288. Introduced by Thompson, 14; Howard, 9.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 43-1904, 43-1906, 60-310, and 60-315, Reissue Revised Statutes of Nebraska; to provide for child abuse prevention plates; to provide for the distribution of fees; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 288A. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 288, Ninety-ninth Legislature, First Session, 2005.

LEGISLATIVE BILL 289. Introduced by Mines, 18.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-117, Reissue Revised Statutes of Nebraska; to change provisions relating to annexation; to provide powers and duties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 292. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to foreign corporations; to amend sections 21-20,177 and 21-20,179, Reissue Revised Statutes of Nebraska; to provide

consent to service of search warrants; and to repeal the original sections.

LEGISLATIVE BILL 293. Introduced by Schimek, 27; Aguilar, 35; McDonald, 41.

A BILL FOR AN ACT relating to the Livestock Waste Management Act; to amend section 54-2425, Reissue Revised Statutes of Nebraska; to change application review procedures; and to repeal the original section.

LEGISLATIVE BILL 294. Introduced by Flood, 19; Redfield, 12; Thompson, 14.

A BILL FOR AN ACT relating to identity theft; to amend section 28-608, Revised Statutes Supplement, 2004; to create the identity theft passport program; to change the offense of criminal impersonation; to provide duties for the Attorney General; and to repeal the original section.

LEGISLATIVE BILL 295. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,182, Reissue Revised Statutes of Nebraska; to change point assessments with respect to failure to report an accident; and to repeal the original section.

LEGISLATIVE BILL 296. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to economic development; to create a fund for tourism development purposes.

LEGISLATIVE BILL 297. Introduced by Business and Labor Committee: Cunningham, 40, Chairperson; Burling, 33; Combs, 32; Kremer, 34; Schimek, 27.

A BILL FOR AN ACT relating to the State Contract Claims Act; to amend section 81-8,305, Reissue Revised Statutes of Nebraska; to change claim procedures; and to repeal the original section.

LEGISLATIVE BILL 303. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-2001, 85-2002, and 85-2004 to 85-2008, Revised Statutes Supplement, 2004; to change provisions of the Community Scholarship Foundation Program Act; and to repeal the original sections.

LEGISLATIVE BILL 304. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to education; to amend section 77-3442,

Revised Statutes Supplement, 2004; to adopt the Education Buildings Review Commission Act; to change provisions relating to a levy limitation; and to repeal the original section.

LEGISLATIVE BILL 305. Introduced by Byars, 30.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-5707, Revised Statutes Supplement, 2004; to prohibit use of tobacco products in educational institutions; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 307. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to children; to create the Task Force on Safe Havens for Abandoned Infants; to provide duties; and to declare an emergency.

LEGISLATIVE BILL 308. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to personal property; to amend section 25-21,194, Reissue Revised Statutes of Nebraska; to change and provide damages for shoplifting and conversion actions; and to repeal the original section.

LEGISLATIVE BILL 309. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to create an investment tax credit; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 314. Introduced by Howard, 9; Aguilar, 35; Byars, 30; Connealy, 16; Cornett, 45; Cunningham, 40; Flood, 19; Kopplin, 3; McDonald, 41; Preister, 5; Raikes, 25; Redfield, 12; Schrock, 38; Stuthman, 22; Thompson, 14.

A BILL FOR AN ACT relating to state officers; to amend section 84-108.01, Reissue Revised Statutes of Nebraska; to declare Nebraska Heritage Week; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 316. Introduced by Howard, 9.

A BILL FOR AN ACT relating to computers; to adopt the Consumer Protection Against Computer Spyware Act.

LEGISLATIVE BILL 317. Introduced by Kremer, 34; Baker, 44; Burling, 33; Cunningham, 40; Erdman, 47; Fischer, 43; Dw. Pedersen, 39; Preister, 5; Schrock, 38; Smith, 48; Wehrbein, 2.

A BILL FOR AN ACT relating to agriculture; to amend section 2-2701.01, Reissue Revised Statutes of Nebraska; to change provisions relating to tractor testing; and to repeal the original section.

LEGISLATIVE BILL 318. Introduced by Johnson, 37.

A BILL FOR AN ACT relating to wholesale drug distributors; to amend sections 71-147, 71-168, 71-168.02, 71-1,198, 71-1,339, and 71-2610.01, Reissue Revised Statutes of Nebraska, and section 71-162, Revised Statutes Supplement, 2004; to adopt the Wholesale Licensure and Prescription Medication Integrity Act; to eliminate the Wholesale Drug Distributor Licensing Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 71-7401 to 71-7426, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 321. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to state personnel; to amend section 81-1316, Revised Statutes Supplement, 2004; to exempt the chief executive officer of facilities operated by the Department of Correctional Services and the medical director of the department from the State Personnel System; and to repeal the original section.

LEGISLATIVE BILL 322. Introduced by Schimek, 27; Aguilar, 35; Bourne, 8; Combs, 32; Connealy, 16; Howard, 9; Johnson, 37; Kruse, 13; Dw. Pedersen, 39; Price, 26; Synowiecki, 7; Thompson, 14.

A BILL FOR AN ACT relating to domestic relations; to amend sections 42-347, 42-364, 43-2,113, and 43-512.15, Reissue Revised Statutes of Nebraska; to define terms; to change and provide provisions relating to child custody and visitation determinations and modifications; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 323. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Winery and Grape Producers Promotional Fund.

LEGISLATIVE BILL 325. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to ethanol; to amend sections 2-3622, 2-3623, 2-3633, and 66-1345.02, Reissue Revised Statutes of Nebraska, and sections 66-726, 66-1333, 66-1345, and 66-1345.01, Revised Statutes Supplement, 2004; to change fees as prescribed; to eliminate the Nebraska Ethanol Board and a fund; to transfer powers and duties; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 2-3627 and 66-1335 to 66-1342, Reissue Revised Statutes of Nebraska, and section 66-1334, Revised Statutes Supplement, 2004.

LEGISLATIVE BILL 326. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend section 79-458, Reissue Revised Statutes of Nebraska to change provisions relating to freeholders' petitions; and to repeal the original section.

LEGISLATIVE BILL 327. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend section 79-458, Reissue Revised Statutes of Nebraska; to change provisions relating to freeholder petitions; and to repeal the original section.

LEGISLATIVE BILL 328. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to the University of Nebraska; to amend section 85-106, Reissue Revised Statutes of Nebraska; to authorize a change in the retirement contribution rate; and to repeal the original section.

LEGISLATIVE BILL 336. Introduced by Natural Resources Committee: Schrock, 38, Chairperson; Hudkins, 21; Kopplin, 3; Kremer, 34; Louden, 49; McDonald, 41; Smith, 48; Stuhr, 24; and Engel, 17.

A BILL FOR AN ACT relating to electricity; to adopt the Public Entities Mandated Project Charges Act; and to provide severability.

LEGISLATIVE BILL 337. Introduced by Janssen, 15; Connealy, 16; Kopplin, 3; Langemeier, 23; Dw. Pedersen, 39; Wehrbein, 2.

A BILL FOR AN ACT relating to political subdivisions; to amend section 13-2809, Revised Statutes Supplement, 2004; to change provisions relating to municipal counties; and to repeal the original section.

LEGISLATIVE BILL 340. Introduced by Smith, 48.

A BILL FOR AN ACT relating to public power districts; to amend sections 32-512, 70-610, 70-619, and 70-621, Reissue Revised Statutes of Nebraska; to change eligibility requirements for the board of directors of certain districts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 341. Introduced by Baker, 44.

A BILL FOR AN ACT relating to telecommunications; to amend section 86-463, Revised Statutes Supplement, 2004; to change provisions relating to the Enhanced Wireless 911 Fund; and to repeal the original section.

LEGISLATIVE BILL 345. Introduced by Brown, 6.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-521 and 28-523, Reissue Revised Statutes of Nebraska; to change provisions relating to criminal trespass and littering; to provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 346. Introduced by Agriculture Committee: Kremer, 34, Chairperson; Burling, 33; Cunningham, 40; Erdman, 47; Fischer, 43; Preister, 5; Wehrbein, 2.

A BILL FOR AN ACT relating to agriculture; to amend sections 77-2715.07, 77-5201, 77-5203, 77-5208, 77-5209, and 77-5211 to 77-5213, Reissue Revised Statutes of Nebraska; to change provisions of the Beginning Farmer Tax Credit Act; to provide a tax credit; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 346A. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 346, Ninety-ninth Legislature, First Session, 2005; and to declare an emergency.

LEGISLATIVE BILL 347. Introduced by Bourne, 8; Howard, 9; Thompson, 14.

A BILL FOR AN ACT relating to schools; to amend sections 79-232, 79-237, and 79-238, Reissue Revised Statutes of Nebraska; to provide for socioeconomic integration plans and standards relating to the enrollment option program; and to repeal the original sections.

LEGISLATIVE BILL 349. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to courts; to amend section 24-301.02, Revised Statutes Supplement, 2004; to reallocate district court judgeships; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 350. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to school funding; to amend sections 79-214, 79-528, 79-1003, and 79-1007.01, Reissue Revised Statutes of Nebraska, and sections 77-3442 and 79-1028, Revised Statutes Supplement, 2004; to change provisions relating to levy limitations and reports; to define and redefine terms; to permit districts to exceed the applicable allowable growth rate as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 354. Introduced by Preister, 5.

A BILL FOR AN ACT relating to labor; to amend section 48-217, Reissue Revised Statutes of Nebraska; to provide a service fee for employees who are not members of certain labor organizations; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 357. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend sections 79-4,108 and 79-1010, Reissue Revised Statutes of Nebraska; to change provisions relating to unified systems; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 358. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3442, Revised Statutes Supplement, 2004; to change tax levy provisions relating to payment of judgments against unified school systems; and to repeal the original section.

LEGISLATIVE BILL 359. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to the Department of Natural Resources; to amend section 61-201, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to qualifications of the director; and to repeal the original section.

LEGISLATIVE BILL 360. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-507, Reissue Revised Statutes of Nebraska; to change provisions relating to burglary; and to repeal the original section.

LEGISLATIVE BILL 362. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-504, Reissue Revised Statutes of Nebraska; to change procedures relating to felony complaints; and to repeal the original section.

LEGISLATIVE BILL 363. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-201, Revised Statutes Supplement, 2004; to change penalty provisions for criminal attempt; and to repeal the original section.

LEGISLATIVE BILL 366. Introduced by Nebraska Retirement Systems Committee: Stuhr, 24, Chairperson; Erdman, 47; D. Pederson, 42; Price, 26; Synowiecki, 7.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2306, 84-1307, and 84-1308, Revised Statutes Supplement, 2004; to change membership provisions for the state employees and county employees retirement systems; to change the contribution rate for the state employees retirement system; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 369. Introduced by Nebraska Retirement Systems Committee: Stuhr, 24, Chairperson; Erdman, 47; D. Pederson, 42; Price, 26; Synowiecki, 7.

A BILL FOR AN ACT relating to retirement; to amend section 24-703, Revised Statutes Supplement, 2004; to change contributions by judges as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 370. Introduced by Combs, 32; Byars, 30; Connealy, 16; Janssen, 15; Kruse, 13; Dw. Pedersen, 39; D. Pederson, 42; Preister, 5; Price, 26; Schimek, 27; Schrock, 38; Stuhr, 24.

A BILL FOR AN ACT relating to public health and welfare; to provide for colorectal cancer screenings as prescribed.

LEGISLATIVE BILL 372. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to public utilities; to amend sections 14-2110 and 14-2147, Reissue Revised Statutes of Nebraska, and sections 14-2109 and 14-2146, Revised Statutes Supplement, 2004; to replace a term; and to repeal the original sections.

LEGISLATIVE BILL 374. Introduced by Kruse, 13; Byars, 30; Kopplin, 3; Price, 26; Schrock, 38; Stuhr, 24.

A BILL FOR AN ACT relating to state government; to amend section 84-1604, Reissue Revised Statutes of Nebraska; to change provisions relating to eligibility for state insurance benefits; and to repeal the original section.

LEGISLATIVE BILL 376. Introduced by Kruse, 13; Hudkins, 21; McDonald, 41; Price, 26; Schimek, 27.

A BILL FOR AN ACT relating to appropriations; to state intent relating to behavioral health care services; to define terms; and to require reports to the Appropriations Committee and others by providers and the Nebraska Health and Human Services System.

LEGISLATIVE BILL 377. Introduced by Kruse, 13; Brown, 6; Burling, 33; Combs, 32; Engel, 17; Friend, 10; Howard, 9; Hudkins, 21; Louden, 49;

McDonald, 41; Pahls, 31; Price, 26; Redfield, 12; Schimek, 27; Smith, 48.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-308 and 28-310, Reissue Revised Statutes of Nebraska; to redefine assault in the first and third degrees; to prohibit assault by AIDS or HIV as prescribed; to provide penalties; to define terms; and to repeal the original sections.

LEGISLATIVE BILL 378. Introduced by Howard, 9; Beutler, 28; Bourne, 8; Connealy, 16; Kopplin, 3; Kruse, 13; Preister, 5; Price, 26.

A BILL FOR AN ACT relating to schools; to create and provide duties for the Commission on School Finance; and to provide a duty for the Legislature.

LEGISLATIVE BILL 379. Introduced by Brown, 6.

A BILL FOR AN ACT relating to municipal counties; to amend section 13-2810, Revised Statutes Supplement, 2004; to change voting procedure for merger or consolidation issues; and to repeal the original section.

LEGISLATIVE BILL 385. Introduced by Johnson, 37.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2262, 29-4101 to 29-4109, and 29-4112 to 29-4115, Revised Statutes Supplement, 2004; to rename and change provisions of the DNA Detection of Sexual and Violent Offenders Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 387. Introduced by Combs, 32; Price, 26.

A BILL FOR AN ACT relating to nursing assistants; to amend sections 71-6603 and 71-6725, Reissue Revised Statutes of Nebraska, and sections 71-448, 71-6038, and 71-6039, Revised Statutes Supplement, 2004; to change provisions relating to training and employment of nursing assistants; to define terms; to require reports; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 388. Introduced by Mines, 18; Brown, 6; Redfield, 12.

A BILL FOR AN ACT relating to alcoholic liquor; to amend sections 53-101 and 60-6,211.08, Reissue Revised Statutes of Nebraska; to permit removal of resealed bottles of wine from licensed premises as prescribed; to redefine a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 392. Introduced by Mines, 18; Price, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Administrative Services.

LEGISLATIVE BILL 393. Introduced by Smith, 48.

A BILL FOR AN ACT relating to electronic mail; to prohibit acts relating to electronic mail; to provide a cause of action and damages; to provide for enforcement; and to provide severability.

LEGISLATIVE BILL 394. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-604, Reissue Revised Statutes of Nebraska; to change the definition of employment; and to repeal the original section.

LEGISLATIVE BILL 397. Introduced by Smith, 48; Schrock, 38.

A BILL FOR AN ACT relating to recycling; to amend section 81-1505.01, Reissue Revised Statutes of Nebraska, and section 81-1505, Revised Statutes Supplement, 2004; to adopt the Cathode Ray Tube Device Recycling Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 398. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to require legislative approval prior to expenditure of certain federal funds.

LEGISLATIVE BILL 399. Introduced by Baker, 44; Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2001, 77-2002, 77-2101.01, and 77-2101.02, Reissue Revised Statutes of Nebraska; to terminate inheritance, estate, and generation-skipping taxes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 400. Introduced by Baker, 44; Wehrbein, 2; Cunningham, 40.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-302, Reissue Revised Statutes of Nebraska; to eliminate a ten-day grace period for failure to register a vehicle; and to repeal the original section.

LEGISLATIVE BILL 403. Introduced by Friend, 10; Synowiecki, 7.

A BILL FOR AN ACT relating to motor vehicle homicide; to amend section 29-2221, Reissue Revised Statutes of Nebraska, and section 28-306, Revised Statutes Supplement, 2004; to provide a penalty for committing motor vehicle homicide while operating a motor vehicle on a suspended, revoked, canceled, impounded, or disqualified operator's license; to change provisions relating to habitual criminals; and to repeal the original sections.

LEGISLATIVE BILL 407. Introduced by Raikes, 25; Hudkins, 21; Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1347, 77-1359, and 77-1381, Reissue Revised Statutes of Nebraska, and sections 77-201, 77-1343, 77-1344, 77-1345, 77-1345.01, 77-1348, 77-1363, 77-5022, and 77-5023, Revised Statutes Supplement, 2004; to change and eliminate provisions relating to agricultural and horticultural land valuation; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-1360.01, 77-1361, and 77-1362, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 409. Introduced by Flood, 19.

A BILL FOR AN ACT relating to homesteads; to amend section 40-104, Reissue Revised Statutes of Nebraska; to change provisions relating to conveyances and encumbrances; and to repeal the original section.

LEGISLATIVE BILL 415. Introduced by Combs, 32; Burling, 33; Cunningham, 40; Kremer, 34.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-1,110, Reissue Revised Statutes of Nebraska; to provide for confidential records as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 416. Introduced by Howard, 9; Beutler, 28; Combs, 32; Kruse, 13; Louden, 49; Redfield, 12.

A BILL FOR AN ACT relating to children; to amend sections 43-117.01, 43-284.02, 43-285, 43-294, and 79-215, Reissue Revised Statutes of Nebraska; to change provisions relating to wards of the state; to authorize independent living services for former wards of the state; and to repeal the original sections.

LEGISLATIVE BILL 419. Introduced by Connealy, 16; Flood, 19.

A BILL FOR AN ACT relating to public service attorneys; to amend section 29-3927, Revised Statutes Supplement, 2004; to adopt the Legal Education for Public Service Loan Repayment Act; to create a fund; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 420. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-121, Reissue Revised Statutes of Nebraska; to change provisions relating to injuries to specific body parts and duration of payments; and to repeal the

original section.

LEGISLATIVE BILL 428. Introduced by Speaker Brashear, 4; at the request of the Governor.

A BILL FOR AN ACT relating to the Deferred Building Renewal Act; to amend sections 81-188.02, 81-188.04, and 81-188.06, Revised Statutes Supplement, 2004; to change provisions relating to renewal assessment funds; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 429. Introduced by Speaker Brashear, 4; at the request of the Governor.

A BILL FOR AN ACT relating to court fees; to amend section 33-107.03, Reissue Revised Statutes of Nebraska, and sections 81-1428 and 81-1429, Revised Statutes Supplement, 2004; to increase a fee; to extend a fee; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 430. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 9-647 and 53-179, Reissue Revised Statutes of Nebraska; to change provisions relating to permissible retail sale hours; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 431. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to courts; to amend section 24-301.02, Revised Statutes Supplement, 2004; to change district court judicial districts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 432. Introduced by Brown, 6; Friend, 10; Redfield, 12; Thompson, 14.

A BILL FOR AN ACT relating to counties; to create and provide duties for a task force; to require a report; and to declare an emergency.

LEGISLATIVE BILL 433. Introduced by Cunningham, 40.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-120, 48-120.02, and 48-146.03, Reissue Revised Statutes of Nebraska; to change provisions relating to selection of physician; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 434. Introduced by Cunningham, 40; Combs, 32.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-120 and 48-1,110, Reissue Revised Statutes of Nebraska; to change provisions relating to medical services and fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 435. Introduced by Cunningham, 40; Combs, 32.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-120, 48-121, and 48-1,110, Reissue Revised Statutes of Nebraska; to change provisions relating to medical fees, compensation for disability, and duration of certain compensation; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 436. Introduced by Combs, 32; Connealy, 16; Preister, 5.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-121, Reissue Revised Statutes of Nebraska; to provide for compensation for permanent disfigurement or scarring as prescribed; and to repeal the original section.

LEGISLATIVE BILL 437. Introduced by Smith, 48; Engel, 17; Erdman, 47; Foley, 29; Hudkins, 21; Jensen, 20; Langemeier, 23; Schrock, 38; Stuhr, 24; Stuthman, 22; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2004; to adopt the Human Cloning Prohibition Act; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 438. Introduced by Janssen, 15; Byars, 30; Flood, 19; Pahls, 31.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-310 and 60-315, Reissue Revised Statutes of Nebraska; to provide for Shriners Plates; to change provisions for message plates; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 438A. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 438, Ninety-ninth Legislature, First Session, 2005.

LEGISLATIVE BILL 440. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to agriculture; to adopt the Feedlot Statutory

Trust Act.

LEGISLATIVE BILL 443. Introduced by McDonald, 41; Schimek, 27.

A BILL FOR AN ACT relating to county government; to amend sections 23-148, 23-296, and 23-297, Reissue Revised Statutes of Nebraska; to change provisions relating to the discontinuance of township organization; to provide powers and duties; to harmonize provisions; to repeal the original sections; to outright repeal section 23-290, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 445. Introduced by Jensen, 20; Dw. Pedersen, 39; Thompson, 14.

A BILL FOR AN ACT relating to physical therapy; to amend sections 71-2801 to 71-2803, 71-2804, 71-2807, and 71-2810, Reissue Revised Statutes of Nebraska, and section 71-101, Revised Statutes Supplement, 2004; to name the Physical Therapy Practice Act; to change and eliminate provisions relating to physical therapists, physical therapist assistants, and physical therapy aides; to harmonize provisions; to repeal the original sections; and to outright repeal sections 71-2803.01, 71-2805, 71-2808, 71-2809, 71-2811, 71-2812, 71-2814 to 71-2817, and 71-2820 to 71-2822, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 447. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to retirement; to amend sections 84-1308 and 84-1331, Revised Statutes Supplement, 2004; to create a health care account for state employees; to change contribution rates; and to repeal the original sections.

LEGISLATIVE BILL 449. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to the Nebraska Scholarship Act; to amend section 85-1914, Revised Statutes Supplement, 2004; to change and eliminate provisions relating to the distribution of awards; and to repeal the original section.

LEGISLATIVE BILL 452. Introduced by Urban Affairs Committee: Friend, 10, Chairperson; Combs, 32; Connealy, 16; Janssen, 15; Schimek, 27.

A BILL FOR AN ACT relating to cities and villages; to amend sections 19-4801 and 29-424, Revised Statutes Supplement, 2004; to change provisions relating to the issuance of citations for code violations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 454. Introduced by Combs, 32; Aguilar, 35; Baker, 44; Cornett, 45; Cudaback, 36; Cunningham, 40; Erdman, 47; Fischer, 43; Flood,

19; Friend, 10; Hudkins, 21; Janssen, 15; Jensen, 20; Kremer, 34; Langemeier, 23; McDonald, 41; Pahls, 31; Dw. Pedersen, 39; Redfield, 12; Schrock, 38; Smith, 48; Stuhr, 24; Wehrbein, 2; Engel, 17; Connealy, 16.

A BILL FOR AN ACT relating to handguns; to amend section 28-1202, Reissue Revised Statutes of Nebraska; to adopt the Concealed Handgun Permit Act; to provide penalties; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 454A. Introduced by Combs, 32.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 454, Ninety-ninth Legislature, First Session, 2005.

LEGISLATIVE BILL 455. Introduced by Combs, 32; Aguilar, 35; Burling, 33; Cudaback, 36; Cunningham, 40; Erdman, 47; Foley, 29; Heidemann, 1; Kremer, 34; Langemeier, 23; Mines, 18; Pahls, 31; D. Pederson, 42; Redfield, 12; Schrock, 38; Smith, 48; Stuhr, 24; Synowiecki, 7; Engel, 17.

A BILL FOR AN ACT relating to civil procedure; to prohibit civil actions based on weight gain or obesity in certain circumstances; to define terms; to provide applicability; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 457. Introduced by Cornett, 45; Aguilar, 35; Connealy, 16; Flood, 19; Kruse, 13; Schimek, 27; Stuthman, 22.

A BILL FOR AN ACT relating to driving under the influence; to amend section 60-6,197.03, Reissue Revised Statutes of Nebraska, and section 28-106, Revised Statutes Supplement, 2004; to change penalties relating to driving under the influence; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 458. Introduced by Baker, 44.

A BILL FOR AN ACT relating to telecommunications; to amend section 86-457, Revised Statutes Supplement, 2004; to change provisions relating to a wireless carrier surcharge; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 459. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1401, 49-1449, and 49-14,140, Reissue Revised Statutes of Nebraska; to require committees to pay registration fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 460. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-9,177 to 85-9,182, Revised Statutes Supplement, 2004; to rename and change provisions relating to the Minority Scholarship Program Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 462. Introduced by D. Pederson, 42.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-146.02, Reissue Revised Statutes of Nebraska; to provide access to medical records as prescribed; and to repeal the original section.

LEGISLATIVE BILL 463. Introduced by Cunningham, 40.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-602 and 48-649, Reissue Revised Statutes of Nebraska; to change provisions relating to remuneration subject to tax and the combined tax rate; and to repeal the original sections.

LEGISLATIVE BILL 464. Introduced by Heidemann, 1; Aguilar, 35; Beutler, 28; Byars, 30; Combs, 32; Cornett, 45; Cudaback, 36; Cunningham, 40; Engel, 17; Foley, 29; Friend, 10; Howard, 9; Hudkins, 21; Jensen, 20; Johnson, 37; Kopplin, 3; Kremer, 34; Kruse, 13; Pahls, 31; Dw. Pedersen, 39; Price, 26; Raikes, 25; Schimek, 27; Smith, 48; Stuhr, 24.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-1,121, Reissue Revised Statutes of Nebraska; to change provisions relating to civil protective custody; and to repeal the original section.

LEGISLATIVE BILL 467. Introduced by Byars, 30.

A BILL FOR AN ACT relating to schools; to amend sections 79-728, 79-761, 79-809, 79-810, 79-8,136, 79-1101, 79-1103, 79-1142, 79-1144, and 79-1310, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Supplement, 2004; to adopt the Creating Essential Educational Opportunities for All Students Act; to change provisions relating to allocation of state lottery funds; to create the Beginning Teacher Mentoring and Induction Program; to change provisions relating to kindergarten programs, mentor teacher programs, fees, early childhood education grants, and special education funding; to create a fund; to eliminate the Excellence in Education Council and provisions relating to school technology funding and the School Technology Fund; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-1328, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 469. Introduced by Bourne, 8; D. Pederson, 42.

A BILL FOR AN ACT relating to guardianship; to amend sections 30-2201, 30-2601, 30-2627, and 30-2639, Revised Statutes Supplement, 2004; to adopt the Public Guardianship Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 470. Introduced by Johnson, 37; Cudaback, 36.

A BILL FOR AN ACT relating to roads; to provide funding for state highway system projects that meet economic development needs.

LEGISLATIVE BILL 473. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to elections; to amend section 32-610, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to political parties and filing for office; to repeal the original section; and to outright repeal section 32-718, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 478. Introduced by Cornett, 45; Aguilar, 35; Baker, 44; Brown, 6; Byars, 30; Combs, 32; Connealy, 16; Erdman, 47; Flood, 19; Foley, 29; Friend, 10; Janssen, 15; Jensen, 20; Johnson, 37; Kopplin, 3; Kruse, 13; Pahls, 31; Smith, 48; Synowiecki, 7; Thompson, 14; Dw. Pedersen, 39; Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Reissue Revised Statutes of Nebraska; to exclude military retirement benefits from income taxation; and to repeal the original section.

LEGISLATIVE BILL 478A. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 478, Ninety-ninth Legislature, First Session, 2005.

LEGISLATIVE BILL 480. Introduced by Thompson, 14; Aguilar, 35; Brown, 6; Byars, 30; Foley, 29; Jensen, 20; Johnson, 37; Kruse, 13; Preister, 5; Price, 26; Raikes, 25; Redfield, 12; Schrock, 38.

A BILL FOR AN ACT relating to the Nebraska Clean Indoor Air Act; to amend sections 71-5701, 71-5702, 71-5703, 71-5704, 71-5708, 71-5710, and 71-5711, Reissue Revised Statutes of Nebraska, and section 71-5707, Revised Statutes Supplement, 2004; to define and redefine terms; to change provisions for smoking in public places; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 481. Introduced by Aguilar, 35; McDonald, 41; Pahls, 31; Stuhr, 24; Thompson, 14; Cornett, 45.

A BILL FOR AN ACT relating to controlled substances; to amend sections 28-401.01, 28-405, and 28-452, Revised Statutes Supplement, 2004; to change provisions and offenses involving ephedrine, pseudoephedrine, and phenylpropanolamine; to provide requirements for retailers as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 483. Introduced by Pahls, 31; Combs, 32; Cornett, 45; Wehrbein, 2.

A BILL FOR AN ACT relating to law enforcement; to amend sections 33-117, 69-2404, and 83-424, Reissue Revised Statutes of Nebraska; to change sheriff's fees and handgun certificate fees; and to repeal the original sections.

LEGISLATIVE BILL 486. Introduced by Business and Labor Committee: Cunningham, 40, Chairperson; Burling, 33; Combs, 32; Kremer, 34; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to employment security law; to amend section 48-649, Reissue Revised Statutes of Nebraska; to change provisions relating to the combined tax rate; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 487. Introduced by Business and Labor Committee: Cunningham, 40, Chairperson; Burling, 33; Combs, 32; Kremer, 34; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to employment security law; to amend section 48-601, Reissue Revised Statutes of Nebraska; to provide for a solvency surcharge as prescribed; and to repeal the original section.

LEGISLATIVE BILL 488. Introduced by Business and Labor Committee: Cunningham, 40, Chairperson; Burling, 33; Combs, 32; Kremer, 34; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to employment security law; to amend sections 48-601, 48-602, 48-624, and 48-669, Reissue Revised Statutes of Nebraska; to redefine terms; to change weekly benefit and combined tax provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 489. Introduced by Business and Labor Committee: Cunningham, 40, Chairperson; Burling, 33; Combs, 32; Kremer, 34; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to elevator safety; to amend section 48-418.09, Reissue Revised Statutes of Nebraska; to change provisions relating to elevator inspections; to provide an operative date; to repeal the original section; and to

declare an emergency.

LEGISLATIVE BILL 490. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to public records; to amend section 84-712.01, Revised Statutes Supplement, 2004; to regulate access to certain geographic computer data bases; and to repeal the original section.

LEGISLATIVE BILL 495. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to retirement; to amend section 79-947.01, Revised Statutes Supplement, 2004; to provide a medical cost-of-living adjustment to school employee retirement benefits; and to repeal the original section.

LEGISLATIVE BILL 496. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to public funds; to amend section 77-2365.01, Revised Statutes Supplement, 2004; to change provisions relating to deposits with certain credit unions; and to repeal the original section.

LEGISLATIVE BILL 497. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to postsecondary education; to adopt the Nebraska Scholarship for Academic Achievement Program Act; and to provide an operative date.

LEGISLATIVE BILL 498. Introduced by Landis, 46; Smith, 48; Pahls, 31.

A BILL FOR AN ACT relating to economic development; to reenact the Nebraska Venture Capital Forum Act; and to outright repeal sections 81-12,106 to 81-12,116, Revised Statutes Supplement, 2004.

LEGISLATIVE BILL 500. Introduced by Landis, 46; Kopplin, 3.

A BILL FOR AN ACT relating to economic development; to amend section 77-2703.01, Revised Statutes Supplement, 2004; to adopt the Entertainment and Tourism Development Act; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 500A. Introduced by Landis, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 500, Ninety-ninth Legislature, First Session, 2005; and to declare an emergency.

LEGISLATIVE BILL 502. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1007.01, Reissue Revised Statutes of Nebraska, and sections 77-3442 and 79-1007.02, Revised Statutes Supplement, 2004; to change provisions relating to average formula cost per student; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 504. Introduced by Smith, 48; Erdman, 47; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to jails; to amend section 47-123, Reissue Revised Statutes of Nebraska; to change provisions relating to good-time credit; and to repeal the original section.

LEGISLATIVE BILL 505. Introduced by Erdman, 47; Baker, 44; Brown, 6; Burling, 33; Byars, 30; Combs, 32; Cunningham, 40; Flood, 19; Foley, 29; Friend, 10; Janssen, 15; Jensen, 20; Louden, 49; Dw. Pedersen, 39; Redfield, 12; Smith, 48; Synowiecki, 7.

A BILL FOR AN ACT relating to age of majority; to amend sections 9-255.09, 9-334, 9-633, 20-403, 21-1724, 21-1781, 28-319, 29-401, 29-2270, 30-2412, 32-602, 42-371.01, 43-104.09, 43-117.01, 43-245, 43-247, 43-284.02, 43-289, 43-290, 43-294, 43-412, 43-504, 43-2101, 43-2903, 43-3703, 44-5238, 48-122.01, 48-124, 49-801, 68-1723, 68-1724, 71-1,281, 71-1,348, 71-20,120, 76-2229.01, 76-2230, 76-2231.01, 76-2232, 79-267, 79-296, 81-885.13, 81-1916, 81-1917, 81-1936, and 81-2036, Reissue Revised Statutes of Nebraska, and sections 9-255.06, 23-1824, 25-1601, 25-1628, 25-21,271, 28-318, 28-320.01, 28-457, 30-2209, 30-3402, 30-3502, 64-101, 71-6039.01, and 81-2026, Revised Statutes Supplement, 2004; to change the age of majority from nineteen to eighteen years of age as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 506. Introduced by Erdman, 47; Baker, 44; Burling, 33; Byars, 30; Combs, 32; Connealy, 16; Cudaback, 36; Cunningham, 40; Engel, 17; Fischer, 43; Flood, 19; Friend, 10; Hudkins, 21; Jensen, 20; Kremer, 34; Langemeier, 23; Louden, 49; Mines, 18; Redfield, 12; Schrock, 38; Smith, 48; Stuhr, 24; Stuthman, 22; at the request of the Governor.

A BILL FOR AN ACT relating to the death penalty; to amend sections 29-2532, 29-2533, 29-2542, 29-2543, and 29-2544, Reissue Revised Statutes of Nebraska, and section 29-2524, Revised Statutes Supplement, 2004; to change the mode of inflicting the death penalty; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 507. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to presentence investigations; to amend section

29-2261, Revised Statutes Supplement, 2004; to change and eliminate provisions relating to inspection and examination; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 508. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to water wells; to amend sections 46-1404 and 46-1405, Reissue Revised Statutes of Nebraska; to change provisions relating to costs of decommissioning illegal water wells; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 509. Introduced by Smith, 48; Schimek, 27.

A BILL FOR AN ACT relating to counties; to amend section 23-2537, Reissue Revised Statutes of Nebraska; to change personnel policy board membership provisions; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 510. Introduced by Combs, 32; Burling, 33; Cunningham, 40; Kremer, 34; Redfield, 12.

A BILL FOR AN ACT relating to employment; to provide immunity in actions relating to job references; and to define terms.

LEGISLATIVE BILL 511. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to infants and juveniles; to amend section 43-536, Reissue Revised Statutes of Nebraska; to change provisions relating to child care reimbursement; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 515. Introduced by D. Pederson, 42; Cunningham, 40; Engel, 17; Heidemann, 1; Kruse, 13; Louden, 49; Smith, 48.

A BILL FOR AN ACT relating to state colleges; to amend section 85-316, Reissue Revised Statutes of Nebraska; to change provisions relating to funds; and to repeal the original section.

LEGISLATIVE BILL 517. Introduced by Baker, 44.

A BILL FOR AN ACT relating to livestock; to amend sections 54-179, 54-186, 54-191, 54-1,108, 54-1,110 to 54-115, 54-1,117 to 54-1,120, 54-1,122.01, 54-415, and 54-1183, Reissue Revised Statutes of Nebraska; to eliminate brand inspection areas; to make the Livestock Brand Act applicable statewide; to provide an operative date; to repeal the original sections; and to outright repeal sections 54-175 and 54-1,109, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 521. Introduced by Byars, 30; Combs, 32; Engel, 17;

Schimek, 27.

A BILL FOR AN ACT relating to the Developmental Disabilities Services Act; to amend section 83-1201, Reissue Revised Statutes of Nebraska, and section 83-1202.01, Revised Statutes Supplement, 2004; to state intent; to provide powers and duties; to provide requirements for state funding as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 522. Introduced by Byars, 30; Cunningham, 40; Stuthman, 22; Erdman, 47.

A BILL FOR AN ACT relating to the practice of barbering; to amend section 71-208.02, Reissue Revised Statutes of Nebraska; to change requirements for barber instructors and assistant barber instructors; to eliminate a requirement for new barber schools; to harmonize provisions; to repeal the original section; and to outright repeal section 71-207.02, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 523. Introduced by Byars, 30; Combs, 32.

A BILL FOR AN ACT relating to natural disasters; to amend section 81-8,297, Reissue Revised Statutes of Nebraska; to authorize claims against the state for certain property tax; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 524. Introduced by Cunningham, 40; Burling, 33; Combs, 32.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-120, Reissue Revised Statutes of Nebraska; to change provisions relating to selection of a physician; and to repeal the original section.

LEGISLATIVE BILL 526. Introduced by Connealy, 16; Cunningham, 40; Synowiecki, 7.

A BILL FOR AN ACT relating to ethanol; to amend sections 66-1344, 66-1344.01, 66-1345, 66-1345.01, and 66-1519, Revised Statutes Supplement, 2004; to provide an ethanol production tax incentive; to change an excise tax rate; to transfer funds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 527. Introduced by Connealy, 16; Cornett, 45; Howard, 9; Kruse, 13; Pahls, 31; Dw. Pedersen, 39; Synowiecki, 7.

A BILL FOR AN ACT relating to postsecondary education; to adopt the In the Line of Duty Dependent Education Act; and to provide severability.

LEGISLATIVE BILL 529. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to courts; to amend sections 7-111, 22-417, 23-2504, 24-345, 24-507, 24-508, 24-509, 24-519, 24-520, 24-1002, 29-103, 29-403, 29-812, 29-3901, 30-2218, 33-106, 33-106.02, 33-123 to 33-125, 42-108, 43-2,123, 43-512.05, 49-502, 49-801, 72-240.14, 76-706, 76-723, and 77-2019, Reissue Revised Statutes of Nebraska, and sections 11-119, 11-125, 11-126, 23-120, 23-121, 23-1114.03 to 23-1114.06, 23-2518, 24-228, 24-513, 29-3921, 30-2402, and 33-156, Revised Statutes Supplement, 2004; to provide for judicial reform; to transition the office of clerk of the district court from an elected county-reimbursed position to an appointed state-reimbursed position; to create the position of clerk of the courts; to change provisions relating to district courts, county courts, juvenile courts, and clerk magistrates; to increase fees and change distribution; to state intent; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 32-524, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 529A. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 529, Ninety-ninth Legislature, First Session, 2005.

LEGISLATIVE BILL 531. Introduced by Fischer, 43; Burling, 33; Cunningham, 40; Erdman, 47; Kremer, 34; Schrock, 38; Stuthman, 22.

A BILL FOR AN ACT relating to agriculture; to authorize a livestock premises and animal identification system as prescribed; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 535. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-310, Reissue Revised Statutes of Nebraska, and section 28-323, Revised Statutes Supplement, 2004; to change provisions relating to assault in the third degree and domestic assault in the third degree; and to repeal the original sections.

LEGISLATIVE BILL 536. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to criminal procedure; to amend section 53-101, Reissue Revised Statutes of Nebraska; to provide for detaining a minor attempting to purchase alcoholic liquor; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 537. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to correctional services; to amend section

83-181, Reissue Revised Statutes of Nebraska; to define a term; to provide for copayments for health care services as prescribed; and to repeal the original section.

LEGISLATIVE BILL 539. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska Commission on Law Enforcement and Criminal Justice.

LEGISLATIVE BILL 540. Introduced by Brashear, 4; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the courts; to amend section 24-201.01, Revised Statutes Supplement, 2004; to change judges' salary provisions; to eliminate obsolete provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 541. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to county court judgeships; to amend section 24-503, Revised Statutes Supplement, 2004; to change the number of judges in specified districts; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 542. Introduced by Burling, 33; Baker, 44; Bourne, 8; Combs, 32; Erdman, 47; Janssen, 15; Kremer, 34; Louden, 49; Price, 26; Schrock, 38; Stuhr, 24; Stuthman, 22; Synowiecki, 7; Wehrbein, 2; Foley, 29; Kruse, 13; Jensen, 20; Engel, 17; D. Pederson, 42; Friend, 10.

A BILL FOR AN ACT relating to revenue and taxation; to create the Tax Policy Reform Commission; to provide powers and duties; and to declare an emergency.

LEGISLATIVE BILL 542A. Introduced by Burling, 33.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 542, Ninety-ninth Legislature, First Session, 2005; and to declare an emergency.

LEGISLATIVE BILL 543. Introduced by Wehrbein, 2; Bourne, 8; Brown, 6; Burling, 33; Erdman, 47; Johnson, 37; Kremer, 34; Schrock, 38; Stuhr, 24; Stuthman, 22; at the request of the Governor.

A BILL FOR AN ACT relating to economic development; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to adopt the Certified Local Investment Fund Act; to provide an investment tax credit; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 545. Introduced by Mines, 18.

A BILL FOR AN ACT relating to insurance; to amend section 48-118, Reissue Revised Statutes of Nebraska; to change subrogation rights for health insurance and workers' compensation insurance; and to repeal the original section.

LEGISLATIVE BILL 548. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to health care; to amend sections 71-7607, 71-7608, and 71-7611, Revised Statutes Supplement, 2004; to change and eliminate provisions relating to credit and transfers of funds, legislative intent, certain federal actions, reports on health care access and expenditures, and funds; to repeal the original sections; to outright repeal sections 71-7601 to 71-7604, 71-7609, and 71-7610, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 549. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to health care; to require a response plan regarding prescription drug benefits under the federal Medicare program; and to provide a termination date.

LEGISLATIVE BILL 550. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to public health and welfare; to state findings and intent; to require a plan for financial and other assistance for community health centers and emergency medical services; and to provide a termination date.

LEGISLATIVE BILL 552. Introduced by Schrock, 38; Jensen, 20.

A BILL FOR AN ACT relating to natural resources districts; to authorize issuance of bonds; and to provide for acquisition of rights-of-way.

LEGISLATIVE BILL 554. Introduced by Beutler, 28; Redfield, 12.

A BILL FOR AN ACT relating to labor; to amend sections 48-1203, 48-1203.01, and 48-1206, Reissue Revised Statutes of Nebraska; to change minimum wage and training wage provisions; to change penalty provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 554A. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 554, Ninety-ninth Legislature, First Session, 2005.

LEGISLATIVE BILL 556. Introduced by Beutler, 28; Schrock, 38.

A BILL FOR AN ACT relating to the University of Nebraska; to amend section 85-115, Reissue Revised Statutes of Nebraska; to change provisions relating to the purchase of required textbooks and supplies; and to repeal the original section.

LEGISLATIVE BILL 559. Introduced by Brown, 6.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-4,111.01, Reissue Revised Statutes of Nebraska; to provide and change provisions relating to personal information on an operator's license or state identification card; and to repeal the original section.

LEGISLATIVE BILL 560. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2602, Reissue Revised Statutes of Nebraska, and section 86-527, Revised Statutes Supplement, 2004; to change cigarette tax distribution provisions; to eliminate completed expenditures and transfers; and to repeal the original sections.

LEGISLATIVE BILL 561. Introduced by Kopplin, 3; Schimek, 27.

A BILL FOR AN ACT relating to schools; to amend sections 79-2,133 and 79-1003, Reissue Revised Statutes of Nebraska; to provide for free meals for students who are children of deployed military personnel; to provide for fee waivers as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 562. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-103, Reissue Revised Statutes of Nebraska; to redefine alcohol to include the gaseous form; and to repeal the original section.

LEGISLATIVE BILL 563. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-103, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 564. Introduced by Janssen, 15; Baker, 44; Cunningham, 40; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to contracts; to provide for payment of excise taxes as prescribed.

LEGISLATIVE BILL 565. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to land information systems; to amend sections 23-1503.01, 33-109, 33-130, 67-406, 76-901, and 76-903, Reissue Revised Statutes of Nebraska, and section 86-520, Revised Statutes Supplement, 2004; to adopt the Land Information System Program Act; to provide funding; to change tax rates and fees; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 567. Introduced by Beutler, 28; Burling, 33.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 29-2262.04, Reissue Revised Statutes of Nebraska, and sections 29-2262 and 29-4013, Revised Statutes Supplement, 2004; to adopt the Sex Offender Monitoring Act; to change provisions relating to probation and sex offender registration; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 568. Introduced by Landis, 46.

A BILL FOR AN ACT relating to banking and finance; to amend sections 45-907, 45-919, and 45-922, Reissue Revised Statutes of Nebraska; to change provisions relating to delayed deposit services; and to repeal the original sections.

LEGISLATIVE BILL 572. Introduced by Dw. Pedersen, 39; Thompson, 14.

A BILL FOR AN ACT relating to correctional services; to create a task force; to provide for a study of the Department of Correctional Services, a report, and a termination date; and to declare an emergency.

LEGISLATIVE BILL 574. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to the enrollment option program; to amend sections 79-237, 79-238, and 79-240, Reissue Revised Statutes of Nebraska; to change provisions relating to sibling applications; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 578. Introduced by Raikes, 25; Connealy, 16; Mines, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1736.06 and 79-1018.01, Reissue Revised Statutes of Nebraska, and section 79-1016, Revised Statutes Supplement, 2004; to change provisions relating to payment of property tax refunds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 579. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend sections 43-2007, 60-658, 79-215, 79-233, 79-234, 79-237, 79-238, 79-239, 79-240, 79-313, 79-318, 79-528, 79-598, 79-606, 79-608, 79-611, 79-1003, 79-1010, 79-1092, 79-10,111, 79-1102, 79-1110, 79-1212, 79-1601, 79-1606, and 85-607, Reissue Revised Statutes of Nebraska, and section 79-1011, Revised Statutes Supplement, 2004; to change provisions relating to missing person notifications, school transportation, wards' tuition, the enrollment option program, the State Board of Education, reports, contracts, reorganization incentives under the Tax Equity and Educational Opportunities Support Act, health and safety modifications, the Early Childhood Training Center, meetings of reorganized educational service unit boards, and schools which elect not to meet accreditation or approval requirements; to eliminate provisions relating to schools in cities of the metropolitan class, the Diagnostic Resource Center at Cozad, and a fund; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-535 and 79-1168 to 79-1178, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 580. Introduced by Johnson, 37; Beutler, 28; Bourne, 8; Brown, 6; Byars, 30; Chambers, 11; Howard, 9; Kruse, 13; Landis, 46; D. Pederson, 42; Price, 26; Raikes, 25; Schimek, 27; Thompson, 14.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2004; to adopt the Human Cloning Prohibition Act; to provide penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 584. Introduced by Mines, 18; Chambers, 11.

A BILL FOR AN ACT relating to animals; to amend sections 54-626 and 54-627, Reissue Revised Statutes of Nebraska, and section 28-1008, Revised Statutes Supplement, 2004; to change licensure provisions of the Commercial Dog and Cat Operator Inspection Act; to include inspectors under the act as law enforcement officers for certain criminal offenses; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 585. Introduced by Baker, 44.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-109.01, 75-156, and 75-302, Reissue Revised Statutes of Nebraska; to require criminal history record checks for persons transporting passengers for regulated motor carriers; to enumerate eligibility criteria; to provide procedures; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 586. Introduced by Connealy, 16; Beutler, 28; Byars,

30; Synowiecki, 7.

A BILL FOR AN ACT relating to food stamps; to provide duties for the Department of Health and Human Services relating to options and waivers.

LEGISLATIVE BILL 587. Introduced by Burling, 33; Aguilar, 35; Baker, 44; Stuthman, 22.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-105, 60-106, 60-311.16, 60-3001, 60-3004, and 60-3007, Reissue Revised Statutes of Nebraska; to provide for certificates of title, registration, license plates, and taxation for replica motor vehicles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 588. Introduced by Legislative Performance Audit Committee: Beutler, 28, Chairperson; Brashear, 4; Engel, 17; McDonald, 41; D. Pederson, 42; Price, 26.

A BILL FOR AN ACT relating to the Legislature; to amend sections 50-1203 to 50-1205.01, 50-1213 to 50-1215, 77-2711, and 77-27,119, Reissue Revised Statutes of Nebraska, and sections 84-304 and 84-311, Revised Statutes Supplement, 2004; to change provisions relating to the Legislative Performance Audit Committee and the Legislative Performance Audit Section; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 590. Introduced by Preister, 5.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-101, Reissue Revised Statutes of Nebraska; to exempt injuries caused deliberately or by the willful negligence of the employer from coverage under the act; and to repeal the original section.

LEGISLATIVE BILL 592. Introduced by Kruse, 13; Aguilar, 35; Baker, 44; Burling, 33; Byars, 30; Combs, 32; Foley, 29; Jensen, 20; Johnson, 37; Kopplin, 3; Kremer, 34; Price, 26; Schrock, 38; Thompson, 14.

A BILL FOR AN ACT relating to alcoholic liquor; to adopt the Alcoholic Liquor Liability Act.

LEGISLATIVE BILL 593. Introduced by Kruse, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for biomedical research.

LEGISLATIVE BILL 595. Introduced by Kruse, 13.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities

Support Act; to amend section 79-1007.01, Reissue Revised Statutes of Nebraska, and section 79-1028, Revised Statutes Supplement, 2004; to change provisions relating to weighting factors in calculating adjusted formula students as prescribed; to change provisions relating to applicable allowable growth rates; and to repeal the original sections.

LEGISLATIVE BILL 596. Introduced by Baker, 44.

A BILL FOR AN ACT relating to college savings plans; to amend section 77-2716, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Higher Education Deposit Program Act; to create a program; to provide duties for the State Treasurer; to provide exclusion from taxes for income and interest under the act as prescribed; and to repeal the original section.

LEGISLATIVE BILL 601. Introduced by Louden, 49; Baker, 44; Burling, 33; Jensen, 20; Dw. Pedersen, 39; Stuthman, 22.

A BILL FOR AN ACT relating to interlocal cooperation; to amend sections 32-101 and 32-567, Reissue Revised Statutes of Nebraska, and section 13-2001, Revised Statutes Supplement, 2004; to provide for election of board members of certain solid waste entities as prescribed; to restrict powers relating to liens on property as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 602. Introduced by Cornett, 45; Aguilar, 35; Bourne, 8; Burling, 33; Connealy, 16; Erdman, 47; Friend, 10; Howard, 9; Janssen, 15; Kopplin, 3; Kruse, 13; Louden, 49; McDonald, 41; Mines, 18; Pahls, 31; Preister, 5; Price, 26; Stuhr, 24; Stuthman, 22; Synowiecki, 7; Wehrbein, 2.

A BILL FOR AN ACT relating to veterans; to amend section 12-1301, Revised Statutes Supplement, 2004; to change membership provisions for the Nebraska Veterans Cemetery Advisory Board; and to repeal the original section.

LEGISLATIVE BILL 604. Introduced by Price, 26; Redfield, 12; Kruse, 13.

A BILL FOR AN ACT relating to the Nebraska Clean Indoor Air Act; to amend section 71-5707, Revised Statutes Supplement, 2004; to require all licensed child care programs to be smokefree.

LEGISLATIVE BILL 605. Introduced by Thompson, 14; Cudaback, 36.

A BILL FOR AN ACT relating to state universities and state colleges; to amend sections 85-412, 85-415, 85-417, and 85-418, Reissue Revised Statutes of Nebraska, and section 85-414, Revised Statutes Supplement, 2004; to change provisions relating to construction and improvement projects; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 605A. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 605, Ninety-ninth Legislature, First Session, 2005; and to declare an emergency.

LEGISLATIVE BILL 606. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to public health and welfare; to amend section 43-1301, Reissue Revised Statutes of Nebraska; to adopt the Children's Behavioral Health Act; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 608. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to government; to adopt the Thermal System Insulation and Firestop Act; to provide a penalty; and to provide an operative date.

LEGISLATIVE BILL 609. Introduced by Bourne, 8; Thompson, 14.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 37-1292, 60-129.02, and 60-160, Reissue Revised Statutes of Nebraska, and section 28-635, Revised Statutes Supplement, 2004; to prohibit acts relating to inflatable restraint systems; to redefine terms relating to salvaged motorboats and motor vehicles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 611. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-901.05 and 29-2708, Reissue Revised Statutes of Nebraska, and section 29-901, Revised Statutes Supplement, 2004; to change provisions relating to appearance bonds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 614. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the State Electrical Board; to authorize salary adjustments for employees of the State Electrical Division; to appropriate funds; and to declare an emergency.

LEGISLATIVE BILL 614A. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 614, Ninety-ninth Legislature, First Session, 2005; and to declare an emergency.

LEGISLATIVE BILL 616. Introduced by Howard, 9; Cornett, 45; Pahls, 31;

Synowiecki, 7.

A BILL FOR AN ACT relating to the Special Education Act; to amend section 79-1142, Reissue Revised Statutes of Nebraska; to prohibit discrimination in reimbursements as prescribed; and to repeal the original section.

LEGISLATIVE BILL 617. Introduced by Louden, 49; Burling, 33; Friend, 10; Howard, 9; Dw. Pedersen, 39; Preister, 5; Stuthman, 22; Erdman, 47.

A BILL FOR AN ACT relating to recreational activities; to amend section 37-734, Reissue Revised Statutes of Nebraska; to change provisions relating to owner liability; and to repeal the original section.

LEGISLATIVE BILL 618. Introduced by Flood, 19; Burling, 33; Cunningham, 40; Erdman, 47; Howard, 9; Stuthman, 22.

A BILL FOR AN ACT relating to the Nebraska Behavioral Health Services Act; to amend section 71-801, Revised Statutes Supplement, 2004; to provide for a recording system and reports; to require a contract as prescribed; to provide for appropriations; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 620. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to recreational lands; to amend sections 37-733 and 37-734, Reissue Revised Statutes of Nebraska; to change provisions relating to leased land and landowner liability; to provide that habitat improvement payments are not a charge; and to repeal the original sections.

LEGISLATIVE BILL 621. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-601 and 60-605, Reissue Revised Statutes of Nebraska; to define terms; to provide for a rebuttable presumption of negligence for use of a mobile telephone as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 622. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to postsecondary education; to adopt the In the Line of Duty Dependent Education Act; to provide an operative date; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 623. Introduced by Byars, 30.

A BILL FOR AN ACT relating to public health and welfare; to provide requirements for grants related to home and community services programs; and to provide powers and duties.

LEGISLATIVE BILL 624. Introduced by Combs, 32.

A BILL FOR AN ACT relating to the Nebraska Scholarship Act; to amend section 85-1906, Revised Statutes Supplement, 2004; to redefine eligible postsecondary educational institution; and to repeal the original section.

LEGISLATIVE BILL 625. Introduced by Combs, 32.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Medicaid Insurance for Workers with Disabilities Act; and to provide a termination date.

LEGISLATIVE BILL 627. Introduced by Howard, 9.

A BILL FOR AN ACT relating to schools; to require adoption of a bullying policy.

LEGISLATIVE BILL 631. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,144, Reissue Revised Statutes of Nebraska; to change issuance provisions for permits for extraordinary use of controlled-access highways; and to repeal the original section.

LEGISLATIVE BILL 632. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1201, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2004; to create the offenses of unlawful possession of a firearm or ammunition pursuant to a domestic assault conviction and unlawful possession of a firearm or ammunition while subject to a protection order; to provide an exception for peace officers; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 633. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to domestic violence; to amend sections 42-358, 42-901, 42-903, 42-907, 42-924, 42-924.02, and 42-925 to 42-928, Reissue Revised Statutes of Nebraska; to change provisions relating to the Protection from Domestic Abuse Act; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 634. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend section 79-611, Reissue Revised Statutes of Nebraska; to change provisions relating to transportation;

and to repeal the original section.

LEGISLATIVE BILL 635. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3442, Revised Statutes Supplement, 2004; to change tax levy calculations for schools; and to repeal the original section.

LEGISLATIVE BILL 636. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend sections 79-101, 79-215, 79-1116, and 79-1140, Reissue Revised Statutes of Nebraska; to define terms; to change provisions relating to calculation of costs for wards' education; to provide for calculation of costs under the Special Education Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 637. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to educational service units; to amend sections 79-1241 and 79-1243, Reissue Revised Statutes of Nebraska; to create and provide duties for a coordinating council; to change provisions relating to core services funds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 638. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to public power districts; to amend section 70-604.02, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to operating area; and to repeal the original section.

LEGISLATIVE BILL 641. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-121, Reissue Revised Statutes of Nebraska; to change provisions relating to partial disability compensation; and to repeal the original section.

LEGISLATIVE BILL 642. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to probation and parole; to amend sections 29-2249, 29-2251, 29-2253, 29-2256, 29-2262.04, 29-2265, 29-2270, 43-260, 43-2,113, 43-2411, 43-3001, 43-3505, 47-623, 47-624, 47-627, 47-628, 47-629, 68-1729, 68-1732, 83-170, 83-195, 83-1,100, 83-1,116, 83-1,119, 83-1,120, 83-1,128, and 83-932, Reissue Revised Statutes of Nebraska, and sections 24-205, 24-227.01, 28-322 to 28-322.03, 29-2246, 29-2250, 29-2252, 29-2254, 29-2257, 29-2258, 29-2259, 29-2259.02, 29-2260.01, 29-2261, 29-2262, 29-2262.06, 29-2262.07, 29-2263, 29-2264, 29-2266, 29-2269, 29-2272, 29-2935, 29-4009, 29-4305, 81-1401, 81-1848, 83-1,107, and 83-1,107.01, Revised Statutes Supplement, 2004; to change, transfer, and eliminate

provisions relating to the Nebraska Probation Administration Act, the Nebraska Treatment and Corrections Act, probation, and parole; to rename an act; to change provisions relating to powers and duties, funds, confidentiality, and penalties as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 83-1,100.01, 83-1,103, and 83-1,104, Reissue Revised Statutes of Nebraska, and sections 83-1,102, 83-1,107.02, and 83-933, Revised Statutes Supplement, 2004.

LEGISLATIVE BILL 643. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to fees; to amend sections 25-1031.02, 33-103, 33-106, 33-106.02, 33-107.01, 33-123, 33-124, 33-125, 33-126.02, 33-126.03, 33-126.05, 33-126.06, and 33-156, Reissue Revised Statutes of Nebraska, and sections 24-703 and 25-2804, Revised Statutes Supplement, 2004; to change certain court fees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 647. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to limited liability companies; to amend sections 21-2601 and 21-2634, Reissue Revised Statutes of Nebraska; to provide for the filing of biennial reports as prescribed; to change filing fee provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 648. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to civil procedure; to eliminate provisions relating to settlement escrow which terminated July 1, 2004; and to outright repeal sections 25-2922 to 25-2929, Revised Statutes Supplement, 2004.

LEGISLATIVE BILL 649. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to courts; to amend section 25-1144, Reissue Revised Statutes of Nebraska; to clarify internal references; and to repeal the original section.

LEGISLATIVE BILL 650. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-4205, Revised Statutes Supplement, 2004; to clarify provisions relating to audiovisual court appearances; and to repeal the original section.

LEGISLATIVE BILL 652. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to insurance; to amend sections 44-3520 to 44-3526, Reissue Revised Statutes of Nebraska; to rename and change provisions of the Motor Vehicle Service Contract Reimbursement Insurance Act; and to repeal the original sections.

LEGISLATIVE BILL 653. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to county court judgeships; to amend section 24-503, Revised Statutes Supplement, 2004; to change the number of judgeships as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 654. Introduced by Beutler, 28; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to divorce; to amend sections 42-364 and 43-2911, Reissue Revised Statutes of Nebraska; to change provisions relating to child custody determination and mediation and remediation costs; and to repeal the original sections.

LEGISLATIVE BILL 656. Introduced by Preister, 5; Connealy, 16.

A BILL FOR AN ACT relating to labor; to amend section 48-446, Reissue Revised Statutes of Nebraska; to change provisions of and provide funding for the Workplace Safety Consultation Program; and to repeal the original section.

LEGISLATIVE BILL 657. Introduced by Preister, 5; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to state government; to amend sections 73-506 and 73-509, Reissue Revised Statutes of Nebraska; to change provisions relating to state contracts for services; and to repeal the original sections.

LEGISLATIVE BILL 659. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to health; to require reporting of certain billings for services provided to regional center patients.

LEGISLATIVE BILL 660. Introduced by Price, 26.

A BILL FOR AN ACT relating to home inspections; to adopt the Home Inspector Licensing Act.

LEGISLATIVE BILL 661. Introduced by Price, 26.

A BILL FOR AN ACT relating to employment; to adopt the Advocacy Leave Act.

LEGISLATIVE BILL 663. Introduced by Cudaback, 36; Baker, 44.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-102, 60-104 to 60-106, 60-112, 60-115, and 60-117, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to certificates of title and

license plates for assembled, kit, and historical vehicles; to harmonize provisions; to repeal the original sections; and to outright repeal sections 60-311.15 to 60-311.21, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 665. Introduced by Cudaback, 36; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to state identification cards; to amend sections 60-490 and 60-4,115, Reissue Revised Statutes of Nebraska; to provide for permanent state identification cards for persons seventy years of age and over; to change fees; to eliminate obsolete provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 666. Introduced by Beutler, 28; Schimek, 27.

A BILL FOR AN ACT relating to persons with disabilities; to amend section 83-1201, Reissue Revised Statutes of Nebraska; to provide duties for providers and employees under the Developmental Disabilities Services Act as prescribed; to provide for fines and other disciplinary actions, hearings, and appeals; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 667. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.16, Revised Statutes Supplement, 2004; to change a sales tax definition relating to computer software; and to repeal the original section.

LEGISLATIVE BILL 669. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Legislature; to state intent; to create and provide duties for the Institutional Agricultural Committee; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 670. Introduced by Landis, 46.

A BILL FOR AN ACT relating to computers; to amend sections 28-1341 and 28-1343, Reissue Revised Statutes of Nebraska; to change provisions relating to computer crimes; to prohibit acts relating to computer fraud and unsolicited bulk electronic mail messages; to provide for seizure and forfeiture of property; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 671. Introduced by Landis, 46.

A BILL FOR AN ACT relating to counties; to amend sections 23-2517 to 23-2520, 23-2522, 23-2524 to 23-2527, 23-2531, and 23-2533, Reissue Revised Statutes of Nebraska; to name the County Civil Service Act; to provide personnel policies for transferring employees from the state or another political subdivision to a county when requested by the county; to harmonize provisions;

and to repeal the original sections.

LEGISLATIVE BILL 673. Introduced by Louden, 49; Aguilar, 35; Baker, 44; Combs, 32; Erdman, 47; McDonald, 41; Smith, 48; Stuthman, 22; Fischer, 43.

A BILL FOR AN ACT relating to agriculture; to amend sections 81-2,236 and 81-2,237, Reissue Revised Statutes of Nebraska; to adopt the Black-Tailed Prairie Dog Management Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 673A. Introduced by Louden, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 673, Ninety-ninth Legislature, First Session, 2005.

LEGISLATIVE BILL 674. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to railroads; to amend section 74-308, Reissue Revised Statutes of Nebraska; to change provisions relating to eminent domain; and to repeal the original section.

LEGISLATIVE BILL 677. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to correctional services; to amend section 83-4,114.01, Reissue Revised Statutes of Nebraska; to define terms; to provide for administrative segregation of committed offenders; to provide duties for chief executive officers of facilities; to provide rights and privileges as prescribed; to change provisions relating to discipline; and to repeal the original section.

LEGISLATIVE BILL 677A. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 677, Ninety-ninth Legislature, First Session, 2005; and to declare an emergency.

LEGISLATIVE BILL 678. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-462, 60-498.02, 60-4,112, 60-4,118.06, 60-4,129, 60-4,130, 60-6,197.01, 60-6,197.03, and 60-6,211.05, Reissue Revised Statutes of Nebraska; to require the use of ignition interlock devices as prescribed; to provide financial assistance for such devices as prescribed; to authorize fees, to create a fund; to change provisions regarding the suspension and revocation of operator's licenses; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 679. Introduced by D. Pederson, 42.

A BILL FOR AN ACT relating to highways and bridges; to amend sections 39-2215, 39-2215.01, 39-2223, 39-2224, and 66-6,108, Reissue Revised Statutes of Nebraska, and 66-4,100, 66-4,140, and 66-4,144, Revised Statutes Supplement, 2004; to delete obsolete provisions; to authorize the issuance of highway bonds; to increase the principle amount of the bonds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 680. Introduced by Baker, 44.

A BILL FOR AN ACT relating to the Nebraska Oil and Gas Conservation Commission; to amend sections 57-705 and 57-922, Reissue Revised Statutes of Nebraska; to create a fund; to change funding provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 681. Introduced by Schimek, 27; Combs, 32; Stuthman, 22.

A BILL FOR AN ACT relating to education; to adopt the Physical Education in Schools Act.

LEGISLATIVE BILL 686. Introduced by Mines, 18.

A BILL FOR AN ACT relating to the Intergovernmental Risk Management Act; to amend section 44-4313, Reissue Revised Statutes of Nebraska; to change a provision relating to funds of a risk management pool; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 690. Introduced by Stuhr, 24; Combs, 32; Heidemann, 1; McDonald, 41; Raikes, 25; Schrock, 38.

A BILL FOR AN ACT relating to education; to adopt the Career Education Partnership Act.

LEGISLATIVE BILL 690A. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 690, Ninety-ninth Legislature, First Session, 2005.

LEGISLATIVE BILL 693. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Nebraska Investment Finance Authority; to amend sections 58-201 to 58-203, 58-207, and 58-219, Reissue Revised Statutes of Nebraska; to authorize financing for economic-impact projects; to authorize public-private initiatives; to repeal the original sections; and to declare

an emergency.

LEGISLATIVE BILL 694. Introduced by Landis, 46.

A BILL FOR AN ACT relating to appropriations; to create the Nebraska State Fair Support and Improvement Fund.

LEGISLATIVE BILL 695. Introduced by Baker, 44; Aguilar, 35; Bourne, 8; Brown, 6; Burling, 33; Byars, 30; Connealy, 16; Cornett, 45; Cunningham, 40; Engel, 17; Flood, 19; Foley, 29; Janssen, 15; Jensen, 20; Johnson, 37; Kopplin, 3; Kremer, 34; Mines, 18; Preister, 5; Redfield, 12; Smith, 48.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Supplement, 2004; to exempt manufacturing machinery and equipment and services related to such machinery and equipment from sales and use taxation; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 696. Introduced by Janssen, 15; Combs, 32; Mines, 18.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend section 77-4106, Reissue Revised Statutes of Nebraska; to provide for timing of refunds of certain sales and use taxes; and to repeal the original section.

LEGISLATIVE BILL 697. Introduced by Brown, 6; Smith, 48; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Department of Roads; to amend sections 81-101 and 81-102, Reissue Revised Statutes of Nebraska; to rename the department; to provide a duty for the Transportation and Telecommunications Committee of the Legislature; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 700. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to attorneys; to amend sections 7-101, 7-103, 7-109, and 7-110, Reissue Revised Statutes of Nebraska; to state findings; to change provisions relating to the authorized and unauthorized practice of law; to provide and change powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 701. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to state government; to amend sections 23-2502, 49-506, 49-617, 49-14,121, 55-150, 72-1242, 73-509, 81-101, 81-102, 81-1301, 81-1302, 81-1304, 81-1306 to 81-1307.02, 81-1311, 81-1312, 81-1314, 81-1315, 81-1318 to 81-1318.02, 81-1353, 81-1354.01, 81-1354.03, 81-1354.04,

81-1357, 81-1371, 81-1374 to 81-1376, 81-1386, 81-1393, 81-1424, 84-1511, and 84-1617, Reissue Revised Statutes of Nebraska, and sections 9-807, 77-5004, 81-1108, 81-1113, 81-1316, 81-1317, 81-1354.05, 81-1373, 81-3601, 84-1503.03, 84-1601 to 84-1603, 84-1605, 84-1606, 84-1613, and 84-1616, Revised Statutes Supplement, 2004; to name the State Personnel System Act; to create the Department of Personnel; to rename a fund; to eliminate the personnel division of the Department of Administrative Services; to transfer, change, and provide powers and duties; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 81-1303 and 81-1305, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 702. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-103 and 53-168, Reissue Revised Statutes of Nebraska; to define a term; to provide for use of cash or cash equivalent as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 704. Introduced by McDonald, 41; Burling, 33; Kremer, 34.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1008.01, Revised Statutes Supplement, 2004; to change provisions relating to equalization aid; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 705. Introduced by McDonald, 41; Byars, 30; Combs, 32; Jensen, 20; Price, 26.

A BILL FOR AN ACT relating to health and human services; to provide for a study and subsequent pilot program by the Department of Health and Human Services Regulation and Licensure; and to provide a termination date.

LEGISLATIVE BILL 706. Introduced by McDonald, 41; Louden, 49.

A BILL FOR AN ACT relating to fence viewing; to amend sections 2-4801, 34-104, 34-105, and 34-107 to 34-111, Reissue Revised Statutes of Nebraska; to eliminate fence viewing as a resolution option for fence disputes; to provide for mediation for resolution of fence disputes; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal section 34-106, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 710. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1005, 16-1006, and 16-1018, Reissue Revised Statutes of Nebraska, and section

16-1017, Revised Statutes Supplement, 2004; to change provisions relating to the retirement system for police in cities of the first class; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 711. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to law enforcement; to amend section 16-1004, Reissue Revised Statutes of Nebraska; to provide a retirement benefit for law enforcement officers in cities of the first and second classes and villages; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 712. Introduced by Thompson, 14; Schimek, 27.

A BILL FOR AN ACT relating to prescriptions; to adopt the Healthy Nebraska Rx Card Program Act; to provide a duty for the department; to provide an operative date; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 714. Introduced by Smith, 48.

A BILL FOR AN ACT relating to jails and correctional facilities; to amend sections 47-502, 47-701, 47-703, and 47-705, Reissue Revised Statutes of Nebraska, and section 29-2262, Revised Statutes Supplement, 2004; to provide for medical services copayments as prescribed; to adopt the Prisoner Reimbursement to the County Act; to provide powers and duties; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 717. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend section 77-3442, Revised Statutes Supplement, 2004; to adopt the Reorganization Building Aid Act; to provide for appropriations; to change provisions relating to a tax levy; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 718. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Educational Service Units Act; to amend sections 79-1201, 79-1217, 79-1222, 79-1224, 79-1226, 79-1227, 79-1232, 79-1241, and 79-1244, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Supplement, 2004; to change provisions relating governing boards and a tax levy; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 32-515, 79-1212, 79-1225, and 79-1242, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 719. Introduced by Howard, 9; Byars, 30; Cunningham, 40; Jensen, 20; Price, 26; Redfield, 12.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to eliminate

certain payments to guardians; and to outright repeal section 43-284.02, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 722. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to electricity; to define terms; to provide for use of public power infrastructure; to provide applicability; to provide a duty for the Revisor of Statutes; and to provide severability.

LEGISLATIVE BILL 724. Introduced by Stuthman, 22; Cornett, 45; Friend, 10; Hudkins, 21; Janssen, 15; Jensen, 20; Landis, 46; Stuhr, 24.

A BILL FOR AN ACT relating to child abuse and neglect; to amend section 43-1303, Reissue Revised Statutes of Nebraska, and sections 28-726 and 28-728, Revised Statutes Supplement, 2004; to provide for a pilot project relating to investigation and prosecution; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 726. Introduced by Stuthman, 22; Cornett, 45.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend sections 71-901 and 71-919, Revised Statutes Supplement, 2004; to change provisions relating to emergency protective custody; to provide for crisis response teams; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 727. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to courts; to amend section 33-106, Reissue Revised Statutes of Nebraska; to require a change of venue docket fee; and to repeal the original section.

LEGISLATIVE BILL 728. Introduced by Stuthman, 22; Kruse, 13.

A BILL FOR AN ACT relating to public health and welfare; to define terms; to create the Provider Reimbursement Advisory Committee; to provide powers and duties; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 729. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to courts; to amend section 33-106, Reissue Revised Statutes of Nebraska; to change provisions relating to district court fees; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 730. Introduced by Bourne, 8; Synowiecki, 7.

A BILL FOR AN ACT relating to the Nebraska Clean Indoor Air Act; to amend

sections 71-5701, 71-5703, 71-5704, and 71-5709 to 71-5712, Reissue Revised Statutes of Nebraska; to provide for retail tobacco businesses; to define a term; to provide for applicability; to change a penalty provision; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 731. Introduced by Bourne, 8; Burling, 33.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-1532, Revised Statutes Supplement, 2004; to provide requirements for rules and regulations; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 732. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to retirement; to amend sections 79-916 and 79-966, Revised Statutes Supplement, 2004; to change state deposits for school retirement as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 735. Introduced by Urban Affairs Committee: Friend, 10, Chairperson; Combs, 32; Connealy, 16; Cornett, 45; Janssen, 15; Landis, 46; Schimek, 27.

A BILL FOR AN ACT relating to cities and villages; to amend sections 17-405.01, 18-2107, 18-2142.01, and 18-2144, Reissue Revised Statutes of Nebraska, and sections 18-2113, 18-2117.01, 18-2147, and 18-2153, Revised Statutes Supplement, 2004; to change provisions relating to the Community Development Law; to change and eliminate provisions relating to cost-benefit analysis; to change provisions relating to ad valorem taxes; to harmonize provisions; to repeal the original sections; and to outright repeal section 18-2147.01, Revised Statutes Supplement, 2004.

LEGISLATIVE BILL 740. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to amend sections 13-919 and 13-920, Reissue Revised Statutes of Nebraska; to change provisions relating to the limitation of actions for certain political subdivisions; and to repeal the original sections.

LEGISLATIVE BILL 741. Introduced by Connealy, 16; D. Pederson, 42.

A BILL FOR AN ACT relating to railroad carriers; to amend sections 75-109.01, 75-401, 75-402, and 75-405, Reissue Revised Statutes of Nebraska; to provide powers and duties for the Public Service Commission with respect to safe walkways for railroad carrier workers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 743. Introduced by Connealy, 16; D. Pederson, 42.

A BILL FOR AN ACT relating to railroad carriers; to amend sections 75-109.01, 75-401, 75-402, and 75-405, Reissue Revised Statutes of Nebraska; to require safety and accident reports from railroad carriers as prescribed; to provide powers and duties for the Public Service Commission; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 745. Introduced by Synowiecki, 7; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1203.01, Reissue Revised Statutes of Nebraska; to authorize the State Racing Commission to license and regulate wagering on historic races; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 746. Introduced by D. Pederson, 42; Brashear, 4; Chambers, 11.

A BILL FOR AN ACT relating to appropriations; to state intent; to create a fund; to provide for grants to civil legal services providers; and to appropriate funds.

LEGISLATIVE BILL 747. Introduced by Synowiecki, 7; Combs, 32; Connealy, 16; Cornett, 45; Cunningham, 40; Foley, 29; Friend, 10; Howard, 9; Kopplin, 3; Kruse, 13; Mines, 18; Pahls, 31; Dw. Pedersen, 39; Preister, 5; Stuthman, 22; Thompson, 14.

A BILL FOR AN ACT relating to probation and parole; to amend sections 29-2252.01, 29-2253, 29-2256, 29-2262.03, 29-2262.04, 29-2262.05, 29-2265, 29-2268, 29-2270, 33-107.03, 33-154, 43-250, 43-253, 43-260, 43-260.05, 43-271, 43-274, 43-286, 43-294, 43-2,108, 43-2,113, 43-707, 43-2411, 43-3001, 43-3505, 43-3507, 47-623, 47-624, 47-627, 47-628, 47-629, 68-1729, 68-1732, 83-170, 83-171, 83-188, 83-189, 83-195, 83-197, 83-1,109, 83-1,116, 83-1,119, 83-1,120, 83-1,128, 83-901, and 83-932, Reissue Revised Statutes of Nebraska, and sections 20-150, 20-151, 24-205, 24-227.01, 25-2407, 28-322, 29-2246, 29-2248, 29-2250, 29-2254, 29-2257, 29-2258, 29-2259, 29-2259.01, 29-2259.02, 29-2260.01, 29-2261, 29-2262, 29-2262.06, 29-2262.07, 29-2263, 29-2266, 29-2272, 29-2935, 29-4009, 81-1401, 81-1848, 83-1,107, 83-1,107.01, 83-1,107.02, and 83-1,125, Revised Statutes Supplement, 2004; to adopt the Department of Probation and Parole Services Act; to change, transfer, and eliminate provisions relating to the Nebraska Probation Administration Act, the Nebraska Treatment and Corrections Act, probation, and parole; to change provisions relating to funds, confidentiality, and penalties as prescribed; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to outright repeal sections 29-2249, 29-2251, 83-1,100, 83-1,100.01, 83-1,101, 83-1,103, and 83-1,104, Reissue Revised Statutes of Nebraska, and sections 29-2252, 83-1,102, and 83-933, Revised Statutes Supplement, 2004.

LEGISLATIVE BILL 748. Introduced by Bourne, 8; Janssen, 15; Synowiecki, 7.

A BILL FOR AN ACT relating to natural gas; to amend sections 16-6,101, 57-1302, 66-1803, 66-1848, and 76-703, Reissue Revised Statutes of Nebraska, and sections 13-2802, 14-2116, 16-645, 16-674, 17-559, 18-2520, 18-2523, 18-2528, and 19-709, Revised Statutes Supplement, 2004; to change provisions relating to natural gas; to eliminate the Municipal Natural Gas System Condemnation Act; to state intent; to define and redefine terms; to provide powers and duties; harmonize provisions; to repeal the original sections; to outright repeal sections 19-4624 to 19-4645, Revised Statutes Supplement, 2004; and to declare an emergency.

LEGISLATIVE BILL 749. Introduced by Foley, 29.

A BILL FOR AN ACT relating to child labor; to amend section 48-310, Reissue Revised Statutes of Nebraska; to prohibit certain employments as prescribed; and to repeal the original section.

LEGISLATIVE BILL 750. Introduced by Foley, 29; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to crimes and offenses; to adopt the Human Embryonic Research Funding Prohibition Act; and to provide penalties.

LEGISLATIVE BILL 751. Introduced by Foley, 29.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Universal Service Fund; to provide for a transfer of funds.

LEGISLATIVE BILL 752. Introduced by Foley, 29; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to abortion; to amend sections 28-101, 28-326, 28-327, and 28-327.01, Revised Statutes Supplement, 2004; to provide for information related to fetal pain; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 757. Introduced by Chambers, 11; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Governor; to amend section 84-106, Revised Statutes Supplement, 2004; to change provisions relating to the supervision and assignment of appointed deputy state sheriffs as prescribed; and to repeal the original section.

LEGISLATIVE BILL 759. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to employment; to amend sections 13-1102,

20-113, 20-131, 23-2525, 23-2531, 23-2541, 48-215, 48-1101 to 48-1107, 48-1107.02, 48-1108, 48-1110 to 48-1126, 79-2,123, 81-1355, 81-1356, and 85-9,175, Reissue Revised Statutes of Nebraska, and sections 20-139 and 25-2602.01, Revised Statutes Supplement, 2004; to rename the Nebraska Fair Employment Practice Act; to define terms; to prohibit employment discrimination based upon sexual orientation; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 48-1109, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 760. Introduced by Chambers, 11; Dw. Pedersen, 39; Schimek, 27.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 23-3406, 24-1106, 25-1140.09, 27-609, 28-104, 29-1822, 29-2005, 29-2006, 29-2020, 29-2282, 29-2407, 29-2801, 29-3205, 29-3928, and 55-480, Reissue Revised Statutes of Nebraska, and sections 27-803, 28-105, 28-303, 29-1603, 29-2004, 29-2027, 29-2204, 29-2520, 29-2521, 29-2522, 29-2523, 29-3920, 29-3922, 29-3929, 29-3930, 83-1,105.01, and 83-4,143, Revised Statutes Supplement, 2004; to change a penalty from death to life imprisonment without possibility of parole as prescribed; to provide for restitution; to harmonize provisions; to eliminate capital punishment provisions; to repeal the original sections; and to outright repeal sections 24-1105, 29-2521.01, 29-2521.03, 29-2521.04, 29-2524.01, 29-2524.02, 29-2527, 29-2528, 29-2532 to 29-2546, 29-2811, and 83-1,132, Reissue Revised Statutes of Nebraska, and sections 28-105.01, 29-2519, 29-2521.02, 29-2524, and 29-2525, Revised Statutes Supplement, 2004.

CARRYOVER RESOLUTIONS

LEGISLATIVE RESOLUTION 1CA. Introduced by Schrock, 38.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, sections 7 and 8:

VII-7 The following are hereby declared to be perpetual funds for common school purposes of which the annual interest or income only can be appropriated except as otherwise provided in this section, to wit:

First. Such ~~per cent~~ percent as has been, or may hereafter be, granted by Congress on the sale of lands in this state.

Second. All money arising from the sale or leasing of sections number sixteen and thirty-six in each township in this state, and the lands selected, or that may be selected, in lieu thereof.

Third. The proceeds of all lands that have been, or may hereafter be, granted to this state, where by the terms and conditions of such grant the same are not to be otherwise appropriated.

Fourth. The net proceeds of lands and other property and effects that may come to this state, by escheat or forfeiture, or from unclaimed dividends, or distributive shares of the estates of deceased persons.

Fifth. All other property of any kind now belonging to the perpetual fund.

The Legislature may, by a three-fifths majority vote, annually appropriate not more than twenty percent of the principal of the perpetual fund described in this section for the purpose of benefitting the common schools as the Legislature determines.

VII-8 All funds belonging to the state for educational purposes, the interest and income whereof only are to be used except as provided in Article VII, section 7, of this Constitution, shall be deemed trust funds. Such funds with the interest and income thereof are hereby solemnly pledged to the purposes for which they are granted and set apart and shall not be transferred to any other fund for other uses except as provided in such section. The state shall supply any net aggregate losses thereof realized at the close of each calendar year that may in any manner accrue. Notwithstanding any other provisions in the Constitution, such funds shall be invested as the Legislature may by statute provide.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to permit the Legislature to annually appropriate not more than twenty percent of the principal of the perpetual school funds to benefit the common schools.

For

Against.

LEGISLATIVE RESOLUTION 2CA. Introduced by Landis, 46.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article XIII, section 2:

XIII-2 (1) Notwithstanding any other provision in the Constitution, the Legislature may authorize any county or incorporated city or village, including cities operating under home rule charters, to acquire, own, develop, and lease real and personal property suitable for use by manufacturing or industrial enterprises and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing such property by construction, purchase, or otherwise. The Legislature may also authorize such county, city, or village to acquire, own, develop, and lease real and personal property suitable for use by enterprises as determined by law if such property is located in blighted areas as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Any real or personal property acquired, owned, developed, or used by any such county, city, or village pursuant to this section shall be subject to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of the Constitution. The acquiring, owning, developing, and leasing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

(2) Notwithstanding any other provision in this Constitution, the Legislature may also authorize any county, city, or village to acquire, own, develop, and lease or finance real and personal property, other than property used or to be used primarily for sectarian instruction or study or as a place for devotional activities or religious worship, to be used, during the term of any revenue bonds issued, only by nonprofit enterprises as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Notwithstanding the provisions of Article VIII, section 2, of this Constitution, the acquisition, ownership, development, use, or financing of any real or personal property pursuant to the provisions of this section shall not affect the imposition of any taxes or the exemption therefrom by the Legislature pursuant to this Constitution. The acquiring, owning, developing, and leasing or financing of such property shall be deemed for a

public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

(3) Notwithstanding any other provision in the Constitution, the Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to appropriate from local sources of revenue such funds as may be deemed necessary for an economic or industrial development project or program subject to approval by a vote of a majority of the registered voters of such city or village voting upon the question. For purposes of this provision, funds from local sources of revenue shall mean funds raised from general taxes levied by the city or village and shall not include any funds received by the city or village which are derived from state or federal sources.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to authorize the use of revenue bonds to develop and lease property for use by nonprofit enterprises as determined by law.

For

Against.

LEGISLATIVE RESOLUTION 3CA. Introduced by Beutler, 28.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 12:

III-12 (1) No person shall be eligible to serve as a member of the Legislature for four years next after the expiration of two consecutive terms regardless of the district represented.

(2) Service prior to January 1, 2001, as a member of the Legislature shall not be counted for the purpose of calculating consecutive terms in subsection (1) of this section.

(3) For the purpose of this section, service in office for more than one-half of a term shall be deemed service for a term.

(4) This section terminates January 1, 2010.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to provide a termination date for term limit provisions for members of the Legislature.

For

Against.

LEGISLATIVE RESOLUTION 4CA. Introduced by Beutler, 28.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 7 and 19, and add a new section 31 to Article III:

III-7 At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of ~~not to exceed~~ one thousand dollars per month during the term of his or her officeuntil his or her compensation is changed in the manner provided by Article III, section 31, of this Constitution. In addition to his or her ~~salary~~compensation, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than ~~his or her salary~~the compensation provided by this section and Article III, section 31, of this Constitution and expenses~~, and employees of the Legislature shall receive no compensation other than their salary or per diem~~.

III-19 (1) The Legislature shall never grant any extra compensation to any public officer, agent, or servant after the services have been rendered nor to any contractor after the contract has been entered into, except that retirement benefits of retired public officers and employees may be adjusted to reflect changes in the cost of living and wage levels that have occurred subsequent to the date of retirement.

(2) Except as otherwise provided by Article III, section 31, of this Constitution, the~~The~~ compensation of any public officer, including any officer whose compensation is fixed by the Legislature, shall not be increased or diminished during his or her term of office, except that when there are members elected or appointed to ~~the Legislature or~~ the judiciary~~,~~ or officers elected or appointed to a board or commission having more than one member~~,~~ and the terms of such members commence and end at different times, the compensation of all members ~~of the Legislature,~~ of the judiciary~~,~~ or of such board or commission may be increased or diminished at the beginning of the full term of any member thereof.

(3) Nothing in this section shall prevent local governing bodies from

reviewing and adjusting vested pension benefits periodically as prescribed by ordinance.

(4) The surviving spouse of any retired public officer, agent, or servant, who has retired under a pension plan or system, shall be considered as having pensionable status and shall be entitled to the same benefits which may, at any time, be provided for or available to spouses of other public officers, agents, or servants who have retired under such pension plan or system at a later date, and such benefits shall not be prohibited by the restrictions of this section or of Article XIII, section 3, of ~~the Constitution of Nebraska~~this Constitution.

III-31 (1) There is hereby created the Ethics and Compensation Review Commission. The members of the commission shall be appointed by the Governor. There shall be two members appointed from each congressional district and three members from the state at large. Members of the commission shall serve for terms of six years, except that of the members initially appointed, one from each of the congressional districts and one of the at-large members shall be appointed for terms of two years. No more than five members of the commission may belong to the same political party at any one time, and no elected official or employee of the state or any political subdivision or registered lobbyist may serve as a member. The term of an existing member shall terminate on the date a new member is appointed. A member may serve no more than two terms on the commission and shall receive no compensation for the performance of his or her duties but may be reimbursed for actual and necessary expenses.

(2) The Ethics and Compensation Review Commission shall prepare and present to the Legislature prior to November 1, 2007, a recommended legislative code of ethics which may be adopted by the Legislature. The code of ethics shall include procedures for implementing such code. Beginning three years after the initial adoption of the recommended code of ethics, the Legislature may modify the code of ethics as it deems necessary or advisable to effectuate Article III, sections 10 and 16, of this Constitution. The Legislature shall maintain a code of ethics in its permanent rules.

(3) After the Ethics and Compensation Review Commission has presented a code of ethics to the Legislature and a code of ethics has been adopted as recommended as part of the Legislature's permanent rules, the commission shall review compensation for members of the Legislature and submit a report to the Governor and the Legislature recommending any adjustment to such compensation the commission deems appropriate. The Legislature may by legislative bill approve, disapprove, or reduce the recommended adjustment but may not increase the recommended adjustment. Adjustments shall not become effective until so approved by the Legislature, and when so approved shall become effective three calendar months following the end of the legislative session in which the adjustments were approved. The commission shall review and submit a report recommending any adjustment to compensation every fourth year and shall review and submit a recommendation with respect to changes in the legislative code of ethics every fourth year after the submission of the original recommendation.

Sec. 2. The proposed amendment shall be submitted to the electors in the

manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to create the Ethics and Compensation Review Commission, to change and eliminate provisions relating to compensation of members and employees of the Legislature, and to provide for the adoption of a legislative code of ethics.

For

Against.

LEGISLATIVE RESOLUTION 5CA. Introduced by Beutler, 28.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 31 to Article III and repeal Article III, section 12:

III-31 (1) Members of the Legislature may be removed from office by recall pursuant to this section.

(2) A petition demanding that the question of removing a member of the Legislature be submitted to the registered voters of that legislative district shall be signed by registered voters equal in number to at least twenty-five percent of the total vote cast for that office in the last general election at which that office was filled. Only registered voters of such member's legislative district as it exists when the petitions are circulated may sign a recall petition. The Secretary of State shall notify the principal circulator that the necessary signatures must be gathered within ninety days after the date of issuing the petition papers.

(3) A recall petition may be filed against a member of the Legislature who has served more than two consecutive terms of office but not within one hundred twenty days after the beginning of any third or subsequent consecutive term of office or within two hundred days prior to the end of any third or subsequent consecutive term of office. No recall petition shall be filed against a member of the Legislature during the same term of office in which a recall election has failed to remove him or her from office.

(4) If the recall petition is found to be sufficient, the Secretary of State shall notify the member and the Clerk of the Legislature that sufficient signatures have been gathered. If the member does not resign within five days after receiving the notice, the Secretary of State shall order an election to be held not less than thirty nor more than forty-five days after the expiration of the five-day period, except that if any other election is to be held in that district within ninety days after the expiration of the five-day period, the Secretary of State may provide for the holding of the removal election on the same day. After the Secretary of State sets the date for the recall election, the recall election shall be held regardless of whether the official whose removal is sought resigns before the recall election is held.

(5) If a majority of the votes cast at a recall election are against the removal of the member or the election results in a tie, the member shall continue in office

for the remainder of his or her term and shall not be subject to further recall attempts during such term. If a majority of the votes cast at a recall election are for the removal of the official named on the ballot, he or she shall, regardless of any technical defects in the recall petition, be deemed removed from office unless a recount is ordered. If the official is deemed removed, the vacancy shall be filled as provided by law.

(6) No member who is removed from office as a result of a recall election or who resigns after the initiation of the recall process shall be appointed to fill a vacancy resulting from his or her resignation or the resignation or removal of any other member of the Legislature or be eligible for election to the Legislature during the remainder of the term of the office from which the member was removed.

Article III, section 12, of the Constitution of Nebraska is repealed.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to provide for recall of state legislators and to repeal term limits for state legislators.

For

Against.

LEGISLATIVE RESOLUTION 8CA. Introduced by Schrock, 38; Aguilar, 35; Baker, 44; Burling, 33; Byars, 30; Combs, 32; Connealy, 16; Cornett, 45; Cudaback, 36; Cunningham, 40; Engel, 17; Erdman, 47; Fischer, 43; Flood, 19; Foley, 29; Friend, 10; Heidemann, 1; Hudkins, 21; Janssen, 15; Johnson, 37; Kopplin, 3; Kremer, 34; Kruse, 13; Langemeier, 23; Louden, 49; McDonald, 41; Mines, 18; Pahls, 31; Dw. Pedersen, 39; Price, 26; Smith, 48; Stuhr, 24; Stuthman, 22; Synowiecki, 7.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 28 to Article I:

I-28 Fishing, trapping, and hunting are a valued part of the heritage of the people and will be a right forever preserved for the people subject to reasonable restrictions as prescribed by law.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to preserve the right to fish, trap, and hunt subject to reasonable restrictions as prescribed by law.

For

Against.

LEGISLATIVE RESOLUTION 11CA. Introduced by Executive Board:

Engel, 17, Chairperson; Beutler, 28; Chambers, 11; McDonald, 41; Stuthman, 22; and Janssen, 15.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 1:

IV-1 The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, and the heads of such other executive departments as set forth herein or as may be established by law. The Legislature may provide for the placing of the above named officers as heads over such departments of government as it may by law establish.

The Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of Public Accounts, and State Treasurer shall be chosen at the general election held in November 1974, and in each alternate even-numbered year thereafter, for a term of four years and until their successors shall be elected and qualified.

Each candidate for Governor shall select a person to be the candidate for Lieutenant Governor on the general election ballot. In the general election one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor. The Governor shall be ineligible to the office of Governor for four years next after the expiration of two consecutive terms for which he or she was elected.

The records, books, and papers of all executive officers shall be kept at the seat of government. Executive officers shall reside within the State of Nebraska during their respective terms of office. Officers in the executive department of the state shall perform such duties as may be provided by law.

The heads of all executive departments established by law, other than those to be elected as provided herein, shall be appointed by the Governor, with the consent of a majority of all members elected to the Legislature, but officers so appointed may be removed by the Governor. Subject to the provisions of this Constitution and as prescribed by the Legislature, the heads of the various executive or civil departments, including those to be elected as provided in this section, shall have power to appoint and remove all subordinate employees in their respective departments.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to authorize the Legislature to prescribe the manner of appointment and removal of subordinate employees of executive or civil departments.

For

Against.

LEGISLATIVE RESOLUTION 13CA. Introduced by Schimek, 27.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 7 and 19:

III-7 At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. ~~Each~~Until January 3, 2007, each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month during the term of his or her office. Commencing January 3, 2007, each member of the Legislature shall receive an annual salary of twenty-four thousand dollars during the term of his or her office which shall be adjusted beginning January 1, 2008, and every two years thereafter, by the average percentage pay increase negotiated for members of the state employee collective bargaining units for the prior fiscal year. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than his or her salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.

III-19 (1) The Legislature shall never grant any extra compensation to any public officer, agent, or servant after the services have been rendered nor to any contractor after the contract has been entered into, except that retirement benefits of retired public officers and employees may be adjusted to reflect changes in the cost of living and wage levels that have occurred subsequent to the date of retirement.

(2) The compensation of any public officer, including any officer whose compensation is fixed by the Legislature, shall not be increased or diminished during his or her term of office, except that when there are members elected or appointed to ~~the Legislature or~~ the judiciary~~,~~ or officers elected or appointed to a board or commission having more than one member~~,~~ and the terms of such members commence and end at different times, the compensation of all members ~~of the Legislature,~~ of the judiciary~~,~~ or of such board or commission may be increased or diminished at the beginning of the full term of any member thereof.

(3) Nothing in this section shall prevent local governing bodies from

reviewing and adjusting vested pension benefits periodically as prescribed by ordinance.

(4) The surviving spouse of any retired public officer, agent, or servant, who has retired under a pension plan or system, shall be considered as having pensionable status and shall be entitled to the same benefits which may, at any time, be provided for or available to spouses of other public officers, agents, or servants who have retired under such pension plan or system at a later date, and such benefits shall not be prohibited by the restrictions of this section or of Article XIII, section 3 of ~~the Constitution of Nebraska~~ this Constitution.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the salary of members of the Legislature to twenty-four thousand dollars per year and to provide for adjustments every two years.

For

Against.

LEGISLATIVE RESOLUTION 14CA. Introduced by Schimek, 27.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To repeal Article III, section 12:

Article III, section 12, of the Constitution of Nebraska is repealed.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to repeal term limit provisions for members of the Legislature.

For

Against.

LEGISLATIVE RESOLUTION 16CA. Introduced by Schrock, 38; Aguilar, 35; Baker, 44; Brown, 6; Burling, 33; Byars, 30; Combs, 32; Connealy, 16; Cornett, 45; Cunningham, 40; Engel, 17; Fischer, 43; Flood, 19; Foley, 29; Howard, 9; Hudkins, 21; Janssen, 15; Johnson, 37; Kopplin, 3; Kremer, 34; Kruse, 13; Dw. Pedersen, 39; D. Pederson, 42; Preister, 5; Price, 26; Raikes, 25; Thompson, 14.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 12:

III-12 ~~(1) No person shall be~~ (1)(a) Persons serving in the Legislature on January 1, 2001, are not eligible to serve as a member of the Legislature for four years next after the expiration of two consecutive terms regardless of the district represented.

~~(2)~~ (b) Service prior to January 1, 2001, as a member of the Legislature shall not be counted for the purpose of calculating consecutive terms in ~~subsection (1)~~ subdivision (1)(a) of this section.

~~(3)~~ (c) For the purpose of this section, service in office for more than one-half of a term shall be deemed service for a term.

(d) This subsection terminates January 1, 2009.

(2) Except as provided in subsection (1) of this section, persons elected or appointed to the Legislature for terms beginning after January 1, 2001, shall be ineligible to the office of member of the Legislature for more than three consecutive full four-year terms.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change term limit provisions for the Legislature by limiting members elected or appointed for terms beginning after January 1, 2001, to three consecutive full four-year terms.

For

Against.

LEGISLATIVE RESOLUTION 18CA. Introduced by Beutler, 28.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article XI, section 1:

XI-1 No city, county, town, precinct, municipality, or other ~~sub-division~~subdivision of the state, shall ever become a subscriber to the capital stock, or owner of such stock, or any portion or interest therein of any railroad, or private corporation, or association, except that, notwithstanding any provision of a home rule charter: (1) The Legislature may authorize the funds of any city of the metropolitan or primary class available for such purpose to be invested in securities of the United States, in securities of the State of Nebraska, in the city's own securities, in securities of a county in which such city is located or a school district of such city, in securities of municipally owned and operated public utility property and plants of such city, or in the same manner as funds of the State of Nebraska are invested; and (2) the Legislature may authorize the funds of any city, county, town, precinct, municipality, or other subdivision of the state available for such purpose to be invested under the supervision and direction of a duly authorized state official such as the state investment officer in the same manner as funds of the State of Nebraska are invested.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to provide an exception by legislative authorization for cities of the metropolitan or primary class to invest in specified securities and to provide an exception by legislative authorization for any city, county, town, precinct, municipality, or other subdivision of the state to invest funds in the same manner as funds of the state are invested.

For

Against.

LEGISLATIVE RESOLUTION 22CA. Introduced by Brashear, 4.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, section 5:

VII-5 (1) Except as provided in subsections (2) and (3) of this section, all fines, penalties, and license money arising under the general laws of the state, except fines and penalties for violation of laws prohibiting the overloading of vehicles used upon the public roads and highways of this state, shall belong and be paid over to the counties respectively where the same may be levied or imposed, and all fines, penalties, and license money arising under the rules, bylaws, or ordinances of cities, villages, precincts, or other municipal subdivision less than a county shall belong and be paid over to the same respectively. All such fines, penalties, and license money shall be appropriated exclusively to the use and support of the common schools in the respective subdivisions where the same may accrue, except that all fines and penalties for violation of laws prohibiting the overloading of vehicles used upon the public roads and highways shall be placed as follows: Seventy-five ~~per cent~~percent in a fund for state highways and twenty-five ~~per cent~~percent to the county general fund where the fine or penalty is paid.

(2) ~~Fifty per cent~~Seventy-five percent of all money forfeited or seized pursuant to enforcement of the drug laws shall belong and be paid over to the counties for drug enforcement purposes as the Legislature may provide.

(3) Law enforcement agencies may use conveyances forfeited pursuant to enforcement of the drug laws as the Legislature may provide. Upon the sale of such conveyances, the proceeds shall be appropriated exclusively to the use and support of the common schools as provided in subsection (1) of this section.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to change the distribution of money forfeited and seized pursuant to enforcement of drug laws.

For

Against.

LEGISLATIVE RESOLUTION 23. Introduced by Howard, 9.

WHEREAS, the Legislature supports federal efforts to improve public school education, provide greater funding, establish accountability, ensure qualified and fairly compensated teachers, and guarantee that all our nation's children receive an adequate education; and

WHEREAS, Nebraska has been a leader in measuring student achievement, establishing statewide testing in the year 2000 to provide school districts with a guide toward evaluating their program offerings without eroding local control; and

WHEREAS, Nebraska's students have shown steady academic improvement, increasing scores four percent to seven percent in the 2003-2004 State Education Report Card without federal intervention; and

WHEREAS, the funding for the No Child Left Behind Act is nine billion dollars below what Congress said would be necessary to implement the activities of the program for fiscal year 2004 and thirty-two billion dollars below full funding in 2003; and

WHEREAS, Title I funding for budget year 2005 leaves Nebraska over twenty-nine million dollars short of being fully funded; and

WHEREAS, the No Child Left Behind Act forces school districts and states to pay for paperwork and new bureaucracies to administer and count test scores, transport students, pay for private tutors, and pay for potentially expensive corrective actions in spite of Nebraska's successful statewide testing and accountability; and

WHEREAS, the No Child Left Behind Act has become an enormous unfunded federal mandate for Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature calls upon the United States Congress to fully fund the No Child Left Behind Act or modify it's contents to better reflect the Congress' actual financial commitment to the program.

2. That the Clerk of the Legislature send a copy of this resolution to Nebraska's congressional delegation.

LEGISLATIVE RESOLUTION 24CA. Introduced by Raikes, 25.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, section 5 and Article VII, section 7:

VII-5 (1) Except as otherwise provided in ~~subsections (2) and (3) of~~ this section, all fines, penalties, and license ~~money~~fees arising under the general laws of the state, except fines and penalties for violation of laws prohibiting the

overloading of vehicles used upon the public roads and highways of this state, shall belong and be paid over to the counties respectively where the same may be levied or imposed, and all fines, penalties, and license ~~money~~fees arising under the rules, bylaws, or ordinances of cities, villages, precincts, or other municipal subdivision less than a county shall belong and be paid over to the same respectively. All such fines, penalties, and license ~~money~~fees shall be appropriated exclusively to the use and support of the common schools in the respective subdivisions where the same may accrue, except that all fines and penalties for violation of laws prohibiting the overloading of vehicles used upon the public roads and highways shall be placed as follows: Seventy-five ~~per cent~~percent in a fund for state highways and twenty-five ~~per cent~~percent to the county general fund where the fine or penalty is paid.

(2) Fifty ~~per cent~~percent of all money forfeited or seized pursuant to enforcement of the drug laws shall belong and be paid over to the counties for drug enforcement purposes as the Legislature may provide.

(3) Law enforcement agencies may use conveyances forfeited pursuant to enforcement of the drug laws as the Legislature may provide. Upon the sale of such conveyances, the proceeds shall be appropriated exclusively to the use and support of the common schools as provided in subsection (1) of this section.

(4) The Legislature may direct funds collected from specific fines, penalties, and license fees arising under the general laws of the state to be paid over to the perpetual funds for common schools purposes if the fine, penalty, or license fee was levied or imposed by the executive department of the state.

VII-7 The following are hereby declared to be perpetual funds for common school purposes of which the annual interest or income only can be appropriated, to wit:

First. Such ~~per cent~~percent as has been, or may hereafter be, granted by Congress on the sale of lands in this state.

Second. All money arising from the sale or leasing of sections number sixteen and thirty-six in each township in this state, and the lands selected, or that may be selected, in lieu thereof.

Third. The proceeds of all lands that have been, or may hereafter be, granted to this state, where by the terms and conditions of such grant the same are not to be otherwise appropriated.

Fourth. The net proceeds of lands and other property and effects that may come to this state, by escheat or forfeiture, or from unclaimed dividends, or distributive shares of the estates of deceased persons.

Fifth. Fines, penalties, and license fees as directed by the Legislature, arising under the general laws of the state levied or imposed by the executive department of the state.

Sixth. All other property of any kind now belonging to the perpetual fund.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to permit the Legislature to direct funds from fines, penalties, or license money levied by the executive department to the perpetual fund for common school purposes.

For
Against.

LEGISLATIVE RESOLUTION 26CA. Introduced by Beutler, 28.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 5:

IV-5 ~~All civil officers~~A civil officer of this state shall be liable to impeachment for any misdemeanor in office or for any misdemeanor related to the election by which such officer was elected to the office.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to provide that misdemeanors related to election to office are grounds for impeachment of civil officers.

For
Against.

LEGISLATIVE RESOLUTION 27CA. Introduced by Langemeier, 23; Flood, 19; Heidemann, 1; Kopplin, 3; Kremer, 34; Pahls, 31; Stuhr, 24.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 10:

III-10 (1) Beginning ~~with the year 1975, regular sessions of the Legislature shall be held annually, commencing~~after the 2006 statewide general election, the Legislature shall meet on the sixth Tuesday after the statewide general election to organize prior to the ninety-day legislative session and then the Legislature shall convene at 10 a. m. on the first Wednesday after the first Monday in January of each year. The term of each member holding office at the time of the 2006 statewide general election shall end on the sixth Tuesday after the statewide general election immediately prior to the end of the term to which the member was elected. The term of each member elected beginning with the 2006 statewide general election shall commence on the sixth Tuesday after the statewide general election at which the member was elected. The duration of regular sessions held shall not exceed ninety legislative days in odd-numbered years, unless extended by a vote of four-fifths of all members elected to the Legislature, and shall not exceed sixty legislative days in even-numbered years not including the organizational day, unless extended by a vote of four-fifths of all members elected to the Legislature. Bills and resolutions under consideration

by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment.

(2) The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided. A majority of the members elected to the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, including a Speaker to preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense.

(3) The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to provide an organizational day prior to the ninety-day legislative session and to change the starting day of terms of office for members of the Legislature.

For

Against.

LEGISLATIVE RESOLUTION 28CA. Introduced by Brashear, 4.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To repeal Article VII, section 14:

Article VII, section 14, of the Constitution of Nebraska is repealed.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to eliminate provisions relating to the creation, powers, and duties of the Coordinating Commission for Postsecondary Education.

For

Against.

FIRST DAY - JANUARY 4, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 4, 2006

PRAYER

The prayer was offered by Senator Kruse.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska Army National Guard.

ROLL CALL

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the Ninety-Ninth Legislature, Second Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol at the hour of 10:00 a.m., on Wednesday, January 4, 2006, and was called to order by President Sheehy.

The roll was called and the following members were present:

Aguilar, Raymond	Flood, Mike	Pahls, Rich
Baker, Thomas C.	Foley, Mike	Pedersen, Dwite
Beutler, Chris	Friend, Mike	Pederson, Don
Bourne, Patrick J.	Heidemann, Lavon L.	Preister, Don
Brashear, Kermit	Howard, Gwen	Price, Marian L.
Brown, Pam	Hudkins, Carol	Raikes, Ronald E.
Burling, Carroll	Janssen, Ray	Redfield, Pam
Byars, Dennis M.	Jensen, Jim	Schimek, DiAnna R.
Chambers, Ernie	Johnson, Joel T.	Schrock, Ed
Combs, Jeanne M.	Kopplin, Gail F.	Smith, Adrian
Connealy, Matt	Kremer, Bob	Stuhr, Elaine
Cornett, Abbie	Kruse, Lowen	Stuthman, Arnie
Cudaback, Jim D.	Landis, David M.	Synowiecki, John F.
Cunningham, Douglas D.	Langemeier, Chris	Thompson, Nancy
Engel, L. Patrick	Louden, LeRoy J.	Wehrbein, Roger R.
Erdman, Philip	McDonald, Vickie D.	
Fischer, Deb	Mines, Mick	

MOTION - Adopt Temporary Rules

Senator Brashear moved that the rules, as now in our possession, be adopted until such time as the permanent rules are adopted pursuant to Rule 2, Section 1; provided that the temporary rules shall not continue after the tenth legislative day.

The motion prevailed.

CERTIFICATE

State of Nebraska

United States of America,)
) ss. Department of State
State of Nebraska)

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of members of the Nebraska Unicameral Legislature elected or appointed to serve in the Ninety-Ninth Legislature, Second Session, 2006.

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected or appointed members of the Unicameral Legislature in the State of Nebraska for the Ninety-Ninth Legislature, Second Session, 2006.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of the Secretary of State and are a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Fourth day of January in the year of our Lord, two thousand and six.

(SEAL) John A. Gale, Secretary of State

DISTRICT/NAME	ELECTED
1 Lavon L. Heidemann	November 2, 2004
2 Roger R. Wehrbein	November 5, 2002
3 Gail F. Kopplin	November 2, 2004
4 Kermit Brashear	November 5, 2002
5 Don Preister	November 2, 2004
6 Pam Brown	November 5, 2002
7 John F. Synowiecki	November 2, 2004
8 Patrick J. Bourne	November 5, 2002
9 Gwen Howard	November 2, 2004

10	Mike Friend	November 5, 2002
11	Ernie Chambers	November 2, 2004
12	Pam Redfield	November 5, 2002
13	Lowen Kruse	November 2, 2004
14	Nancy Thompson	November 5, 2002
15	Ray Janssen	November 2, 2004
16	Matt Connealy	November 5, 2002
17	L. Patrick Engel	November 2, 2004
18	Mick Mines	November 5, 2002
19	Mike Flood	November 2, 2004
20	Jim Jensen	November 5, 2002
21	Carol Hudkins	November 2, 2004
22	Arnie Stuthman	November 5, 2002
23	Chris Langemeier	November 2, 2004
24	Elaine Stuhr	November 5, 2002
25	Ronald E. Raikes	November 2, 2004
26	Marian L. Price	November 5, 2002
27	DiAnna R. Schimek	November 2, 2004
28	Chris Beutler	November 5, 2002
29	Mike Foley	November 2, 2004
30	Dennis M. Byars	November 5, 2002
31	Rich Pahls	November 2, 2004
32	Jeanne M. Combs	November 5, 2002
33	Carroll Burling	November 2, 2004
34	Bob Kremer	November 5, 2002
35	Raymond Aguilar	November 2, 2004
36	Jim D. Cudaback	November 5, 2002
37	Joel T. Johnson	November 2, 2004
38	Ed Schrock	November 5, 2002
39	Dwite Pedersen	November 2, 2004
40	Douglas D. Cunningham	November 5, 2002
41	Vickie D. McDonald	November 2, 2004
42	Don Pederson	November 5, 2002
43	Deb Fischer	November 2, 2004
44	Thomas C. Baker	November 5, 2002
45	Abbie Cornett	November 2, 2004
46	David M. Landis	November 5, 2002
47	Philip Erdman	November 2, 2004
48	Adrian Smith	November 5, 2002
49	LeRoy J. Louden	November 2, 2004

MESSAGES FROM THE GOVERNOR

June 2, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Nebraska Motor Vehicle Industry Licensing Board.

APPOINTEE:

Charles A. Borgmann, 606 Magnet, Norfolk NE 68701

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

June 9, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the State Emergency Response Commission.

APPOINTEE:

Captain Julie Maaske, 1600 Hwy 2, Lincoln NE 68502

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

June 28, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Climate Assessment Response Committee.

APPOINTEE:

Jamie Karl, Department of Agriculture, 301 Centennial Mall, Lincoln NE 68509

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

June 29, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the Child Abuse Prevention Fund Board.

APPOINTEES:

*Jennie Cole-Mossman, 2710 Sewell Street, Lincoln NE 68502
Angela Wagner, 706 Colorado, Culbertson NE 69024

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

*Reappointment

July 1, 2005

President, Speaker Brashear
and Members of the Legislature

State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Board of Parole.

APPOINTEE:

Rosalyn R. Cotton, 11221 Seward Plaza, Omaha NE 68154

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

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Enclosure

July 8, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the Environmental Quality Council.

APPOINTEES:

*Michael Bair, 305 18th Street, Aurora NE 68818
*Vaughn Blum, 1983 Camino Real, Columbus NE 68601
Lawrence Bradley, 3409 Burt Street, Omaha NE 68131
Joseph Citta Jr., 1518 Kozy Drive, Columbus NE 68601
Mark Czaplewski, 2207 Woodridge Place, Grand Island NE 68801
Michael Griffin, 13001 Highway 2/71, Crawford NE 69339
*Robert Hall, 957 N Beech, Wahoo NE 68066
Ronald Zeiger, 1488 Midland Street, Syracuse NE 68446

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

*Reappointment

July 11, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were reappointed to the Nebraska Railway Council.

APPOINTEES:

Robert Kelly, 552 Charlotte, Sidney NE 69162
Michael Shannon, 1105 Meadowlark, Alliance NE 69301

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

July 11, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the State Emergency Response Commission.

APPOINTEE:

Tim Hofbauer, 2328 34th Street, Columbus NE 68601

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

July 13, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Nebraska Railway Council.

APPOINTEE:

Jamie Karl, Nebraska Department of Ag, 301 Centennial Mall, Lincoln NE 68509

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

July 20, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Environmental Quality Council.

APPOINTEE:

*Mark Whitehead, 4605 S 98, Lincoln NE 68526

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

*Reappointment

July 25, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Environmental Quality Council.

APPOINTEE:

Rod Gangwish, RR 1 Box 63, Shelton NE 68876

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

July 26, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed as the Behavioral Health Administrator.

APPOINTEE:

Ron Sorensen, PO Box 98925, Lincoln NE 68509

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

August 4, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the State Board of Health.

APPOINTEES:

Janet Coleman, 6049 Franklin Street, Lincoln NE 68506
*Pamela List, 330 Lambrecht Street, Beemer NE 68716
Roger Reamer, 1616 Karol Kay Blvd, Seward NE 68434
*Robert Sandstrom, 13619 Arbor Street, Omaha NE 68144
*Dr. Leslie Spry, 7520 N Hampton, Lincoln NE 68506
Dr. Daryl Wills, 1590 Park Terrace, Gering NE 69341

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

*Reappointment

August 10, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to

the Nebraska Ethanol Board.

APPOINTEES:

*David Hallberg, 13275 Seward Street, Omaha NE 68137
*James Jenkins, RR 1 Box 29, Callaway NE 68825

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

*Reappointment

August 11, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Board of Parole.

APPOINTEE:

*Miguel (Mike) Gomez, 240 Lakewood Drive, Lincoln NE 68510

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

*Reappointment

August 24, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building

Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Nebraska Information Technology Commission.

APPOINTEE:

Chancellor Doug Kristensen, University of Nebraska Kearney, Office of the Chancellor, FNDH 100, Kearney NE 68849

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

August 26, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Nebraska Investment Council.

APPOINTEE:

John Maginn, Maginn Associates, 8805 Indian Hills Drive, Suite 375, Omaha NE 68114

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

September 1, 2005

President, Speaker Brashear
and Members of the Legislature

State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the State Personnel Board.

APPOINTEE:

Lucinda Glen, 1324 Regency Drive, Hastings NE 68901

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

September 3, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed Chief Medical Officer and Director of Regulation and Licensure for the Department of Health and Human Services.

APPOINTEE:

Joann Schaefer, M.D., Nebraska Health and Human Services System, 301 Centennial Mall, Lincoln NE 68509

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

September 6, 2005

President, Speaker Brashear

and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the Board of Emergency Medical Services.

APPOINTEES:

Ronald Balthazor, 1502 N Monroe, Lexington NE 68850
Bruce Beins, RR 1 Box 60, Republican City NE 68971
Dan Hakel, 760 E Willow Street, West Point NE 68788
Val Snyder, 25 Toluca Lane, Gering NE 69341
George Tom Surber, M.D., 1202 Norfolk Avenue, Norfolk NE 68701

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

September 6, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the State Highway Commission.

APPOINTEES:

John Kingsbury, 220 Rock Street, Ponca NE 68770
Douglas Leafgreen, 1625 Aspen, Gering NE 69341
Greg Wolford, 702 Airport, McCook NE 69001

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman

Governor

web/
Enclosure

September 6, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was reappointed to the State Electrical Board.

APPOINTEE:

Edwin Bergstraesser, 1300 SW 24th Street, Lincoln NE 68522

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

September 7, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the State Board of Health.

APPOINTEE:

Linda Heiden, 74384 438 Road, Bertrand NE 68927

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

September 12, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were reappointed to the Nebraska Arts Council.

APPOINTEES:

Vicki Bromm, 1448 N Pine Street, Wahoo NE 68066
Joan Gibson, 117 N Happy Hollow Blvd, Omaha NE 68132
Dr. Robin Koozer, 1245 Turner Avenue, Hastings NE 68901
Art Thompson, 19912 Van Dorn, Eagle NE 68347

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

September 12, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were reappointed to the Oil and Gas Conservation Commission.

APPOINTEES:

Marquis Reed Gilmore, 1650 Road 53, Harrisburg NE 69345
Thomas Sonntag, 1024 6th Avenue, Sidney NE 69162

The aforementioned names are respectfully submitted for your

consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

September 12, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were reappointed to the State Emergency Response Commission.

APPOINTEES:

Richard Christensen, 1213 Westbridge Dr, Hastings NE 68901
Allen Grell, 1907 Washington Street, Beatrice NE 68310
Mark Reimers, 11904 N 160th Street, Bennington NE 68007

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

September 28, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the State Electrical Board.

APPOINTEE:

Cory Mueller, 238 S 2nd Street, Seward NE 68434

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

October 5, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the Nebraska Arts Council.

APPOINTEES:

Julie Jacobson, 3020 West Leota Street, North Platte NE 69101
Kathleen (Kit) Watson, 960 E 8th Street, Chadron NE 69337

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

October 13, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Environmental Quality Council.

APPOINTEE:

Alden Zuhlke, 52771 860 Road, Brunswick NE 68720

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

October 14, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Nebraska State Fair Board.

APPOINTEE:

Linda Lovgren, APR, 2414 S 103rd Street, Omaha NE 68124

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

October 18, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Board of Emergency Medical Services.

APPOINTEE:

John W. Doyle, 11913 S 52nd Street, Papillion NE 68133

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

October 18, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the State Highway Commission.

APPOINTEE:

Duane W. Acklie, 2200 Woodsdale Blvd, Lincoln NE 68502

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

October 21, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Nebraska Information Technology Commission.

APPOINTEE:

Janie C. Park, 6122 Hwy 20, Chadron NE 69337

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

December 5, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the Commission for the Blind and Visually Impaired.

APPOINTEES:

*Nancy Oltman, 518 N Bellevue, Hastings NE 68901
Darrell Walla, 13405 Trendwood Drive, Omaha NE 68144

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

*Reappointment

December 5, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the State Fair Board.

APPOINTEE:

*John Peetz, 960 Fall Creek Road, Lincoln NE 68510

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

*Reappointment

December 5, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Game and Parks Commission.

APPOINTEE:

*Dr. Mark Pinkerton, 13695 W Hwy 4, Beatrice NE 68310

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

*Reappointment

December 5, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the Coordinating Commission for Postsecondary Education.

APPOINTEES:

*Dick Davis, 1626 N 137th Street, Omaha NE 68154
*Marilyn Harris, 3618 Culpeper Court, Lincoln NE 68516
*James Strand, 2149 Stone Creek Loop, Lincoln NE 68512

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

*Reappointment

December 5, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the Nebraska Power Review Board.

APPOINTEES:

*Eugene Bade, #13 Village Drive, Hastings NE 68901
Michael Siedschlag, P.E., 13511 Charles Circle, Omaha NE 68154

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

*Reappointment

December 5, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the State Personnel Board.

APPOINTEE:

*Brian Tessman, 9616 Ohern Plaza #12, Omaha NE 68127

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

*Reappointment

December 5, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the Board of Public Roads Classifications and Standards.

APPOINTEES:

*Gene Acklie, 2730 N LaVerna Street, Fremont NE 68025
Barbara Keegan, PO Box 224, Hemingford NE 69348
*Dean Lux, 741 Locust Street, North Bend NE 68649
*Arthur Yonkey, 10400 Princeton Road, Hickman NE 68372

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman

Governor

web/
Enclosure

*Reappointment

December 22, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the Commission for the Deaf and Hard of Hearing.

APPOINTEES:

*James Devaney, 1704 N 85th Street, Omaha NE 68114
*Kenya Taylor, 1613 8th Avenue, Kearney NE 68845

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

*Reappointment

December 22, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the State Board of Health.

APPOINTEE:

Dr. Russell Hopp, 5610 Farnam, Omaha NE 68132

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

December 23, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the Public Employees Retirement Board.

APPOINTEES:

The Honorable Glenn Camerer, 230927 County Road C, Scottsbluff NE 69361
Richard Wassinger, County Treasurer, 1213 Cambridge Court, Plattsmouth NE 68048

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

December 23, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the Commission of Industrial Relations.

APPOINTEES:

*William Blake, 6601 Park Crest Drive, Lincoln NE 68506
*G. Pete Burger, RR 4 Box 194, McCook NE 69001

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

*Reappointment

December 23, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Tax Equalization and Review Commission.

APPOINTEE:

William Warnes, 413 Bellevue Blvd South, Bellevue NE 68005

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

December 30, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Board of Educational Lands and Funds.

APPOINTEE:

*Charles Ward, HC 13 Box 701, Valentine NE 69201

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

*Reappointment

December 30, 2005

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the State Foster Care Review Board.

APPOINTEES:

Linda Broderick, 502 E 35th Street, Scottsbluff NE 69361
Rev. Dr. Larry Brown, 2714 Morrie Drive, Bellevue NE 68123
*James Gordon, 1646 Trelawney Drive, Lincoln NE 68512
Gene Klein, 1209 MacArthur Drive, Papillion NE 68046
*Joellen McGinn, 1437 S 23rd Street, Lincoln NE 68502
*Judy Meter, 1740 Q Street, Gering NE 69341
Mary Jo Pankoke, 3516 S 17th Street, Lincoln NE 68502
Dr. Mario Scalora, UNL Dept. of Psychology, 238 Burnett Hall, Lincoln NE 68588-0308
*Gerald Schenck, 1030 McMartin Avenue, Grand Island NE 68801
Georgina Scurfield, 360 Windsor Drive, Papillion NE 68046
*Burrell Williams, 1904 Spencer Street, Omaha NE 68110

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman

Governor

web/
Enclosure

*Reappointment

REPORTS

The following reports were received by the Legislature:

Administrative Services, Department of
Annual Budgetary Report for year ended June 30, 2005
Information Technology Services Annual Report
Agriculture, Department of
Beginning Farmer Tax Credit Act Annual Report
Arts Council
Arts and Humanities Cash Fund Report
Attorney General
2004 Annual Report
Auditor of Public Accounts
Attestation Examination Report for the following:
Revenue, Department of, Charitable Gaming Investigation Petty Cash Fund
Revenue, Department of, Cigarette Tax Receipts
Revenue, Department of, Motor Fuel Tax Enforcement and Collection Division
Audit reports for the following:
Lottery, Nebraska
Retirement Systems, Public Employees - State and County Employees Retirement Plans
Correctional Services, Department of
Work Ethic Camp Annual Report
Distance Education Enhancement Task Force
Task Force Report, LB 689
Economic Development, Department of
2005 Annual Report on grants conditionally approved for funding by the Legislature
Educational Lands and Funds, Board of
July 1, 2004 through June 30, 2005 Report
Environmental Quality, Department of
2005 Annual Report
Fire Marshal, State
Volunteer Emergency Responders Recruitment and Retention Act
Fiscal Office, Legislative
Certification of General Fund net receipts for fiscal year beginning July 1, 2005. Monthly receipt estimates derived from the annual net receipt estimate of the Economic Forecasting Advisory Board produced April 28, 2005.

State Government Cash and Revolving Funds Report

Game and Parks Commission

2005 Recreation Road Report

Game Law Investigation Cash Fund Annual Report

Health and Human Services System

LB 692 Report - Use of Funds Appropriated Under Health Care Funding Act and Outcomes Achieved

Behavioral Health Services, Division of, Report of Persons Receiving State-Funded Behavioral Health Services Under the Nebraska Behavioral Health Services Act, as required by LB 551 of 2005

Long-Term Care Partnership Program Development Act Plan Report

Medicaid Reform Plan

Mental Health Practitioners, Director's Report on the Proposal for a Change in Scope of Practice for Licensed Mental Health Practitioners

Newborn Screening 2004 Annual Report

Technical Committee and Board of Health Reports on the Licensed Mental Health Practitioners, Dental Hygienists and Pharmacy Technicians Credentialing Reviews

Women's Health, Office of, Annual Report

Insurance, Department of

Interstate Insurance Receivership Commission 2004 Annual Report

Investment Council

Northern Ireland Investment Requirements Report

Investment Finance Authority

2002 Series A, B, C, D, E and F Community Development Loan Notes (City of Lincoln Program-2002), Quarterly Reports

2005 Series C & D Single Family Housing Revenue Bonds Notice

2005 Series G.O.-19 General Obligation Bonds Notice

Agricultural Loan Reports

Clean Water State Revolving Fund Revenue Bonds Series 2005B Notice

Drinking Water State Revolving Fund Revenue Bonds Series 2004 A, Quarterly Reports

Drinking Water State Revolving Fund Revenue Bonds Series 2005 A Quarterly Reports

Drinking Water State Revolving Fund Revenue Bonds Series 2005 A Notice

Single Family Housing Revenue Bonds Notice

Single Family Housing Revenue Bonds Series 2005 AB, Quarterly Reports

Labor, Department of

Workforce Development, Meatpacking Industry Worker's Bill of Rights 2005 Annual Report

Workforce Investment Board 2004 Annual Report

Workforce Investment Board, Strategic Two-Year State Workforce Investment Plan for Title I of the Workforce Investment Act of 1998 and the Wagner-Peyser Act

Liquor Control Commission

Report concerning effectiveness of keg registration legislation

Motor Vehicles, Department of

2004 Annual Report

Natural Resources, Department of

Annual Report and Plan of Work for the Nebraska State Water Planning and Review Process

Performance Audit Committee, Legislative

Lincoln Regional Center Psychiatrists' Work Commitments Report

Power Review Board

"Conditions Certain" Annual Report

Public Service Commission

2005 Annual Report on Telecommunications

Retirement Systems, Public Employees

Judges' Retirement System Actuarial Report, July 1, 2005 - June 30, 2007

School Retirement System Actuarial Report, July 1, 2005 - June 30, 2007

State Patrol Retirement System Actuarial Report, July 1, 2005 - June 30, 2007

Revenue, Department of

Auditor of Public Accounts Report of Examination for Fiscal Year Ended June 30, 2004

Certification of General Fund net receipts for fiscal year beginning July 1, 2005. Monthly receipt estimates derived from the annual net receipt estimate of the Economic Forecasting Advisory Board produced April 28, 2005.

EPIC Report

Nebraska Lottery Annual Report, 2005

Roads, Department of

2005 State Highway Needs Assessment

Board of Public Roads Classifications and Standards Minutes for April, May, June, July, and September 2005

One-Year and Five-Year Plan of Anticipated Design, Construction and Improvement for Recreation Roads

State Highway Commission Quarterly Reports

State Highway Inventory Supplemental Report for the 2004 State Highway Needs Assessment

Traffic Crash Facts Annual Report

State Fair Board

Expenditures by the Nebraska State Fair Board

Treasurer, State

Annual Budgetary Report for year ended June 30, 2004

Annual Budgetary Report for year ended June 30, 2005

Comprehensive Annual Financial Report for year ended June 30, 2004

Workers' Compensation Court

Fiscal Year 2005 Annual Report

COMMUNICATION

Received petition from the City Council of the City of Bennington adopted on December 12, 2005.

PROPOSED RULES CHANGES

Senator Brashear offered the following proposed rules change:

Rule 1, Sec. 17. Speaker's Major Proposals. The Speaker shall be authorized to: (a) Designate up to five bills, or resolutions proposing to amend the Constitution, as major proposals during each legislative session. Determinations made by the Speaker pursuant to this subsection shall be limited to bills or resolutions previously designated as a committee priority, a senator priority, or a general appropriation bill and approved by a vote of two-thirds of the Executive Board.

(b) Require each committee to which a major proposal has been referred to:

(1) hold a public hearing by a date certain as agreed to by the Speaker and committee chairperson.

(2) take action, including voting to advance the measure with or without amendments to the full Legislature, voting to indefinitely postpone the measure, or taking a vote on the measure that does not result in the measure's advancement or indefinite postponement. Committee action as defined above must be taken by a date certain as determined by the Speaker and committee chairperson.

(c) Determine the scheduling of the proposal and the order of amendments and motions to be considered.

Senator Wehrbein offered the following proposed rules change:

INTENT:

1) To rename the Banking, Commerce, and Insurance Committee. The new name would be the Banking, Commerce, Insurance, and Economic Development Committee.

2) To have bills dealing with economic development issues referred to the Banking, Commerce, Insurance, and Economic Development Committee.

3) For these changes to take effect beginning with the 2006 Legislative Session.

Rule 1, Sec. 6. Presiding Officer, Order in Designating. In the absence of both the Lieutenant Governor and the Speaker, the order of the presiding officer of the Legislature shall be as follows:

Chairperson of the Executive Board
Chairperson of Committee on Committees
Chairperson of Committee on Judiciary
Chairperson of Committee on Government, Military, and Veterans Affairs
Chairperson of Committee on Appropriations
Chairperson of Committee on Revenue
Chairperson of Committee on Education
Chairperson of Committee on ~~Banking, Commerce, and Insurance~~ Banking, Commerce, Insurance, and Economic Development
Chairperson of Committee on Natural Resources
Chairperson of Committee on Agriculture
Chairperson of Committee on Health and Human Services

Chairperson of Committee on General Affairs
Chairperson of Committee on Business and Labor
Chairperson of Committee on Urban Affairs
Chairperson of Committee on Transportation and Telecommunications

Rule 3, Sec. 3. Standing Committees. (a) The standing committees of the Legislature shall be as follows:

Agriculture .....8 members
Appropriations.....9 members
~~Banking, Commerce, and Insurance.....8 members~~
Banking, Commerce, Insurance, and Economic Development .8 members
Business and Labor .....7 members
Education.....8 members
General Affairs.....8 members
Government, Military, and Veterans Affairs.....8 members
Health and Human Services .....7 members
Judiciary .....8 members
Natural Resources.....8 members
Nebraska Retirement Systems.....6 members
Revenue.....8 members
Transportation and Telecommunications .....8 members
Urban Affairs.....7 members

(b) The Speaker shall not be a regular member of a standing committee.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 764. Introduced by Executive Board: Engel, 17, Chairperson.

A BILL FOR AN ACT relating to schools; to repeal obsolete provisions relating to school fiscal year 1998-99 and the Hardship Fund which has been eliminated; and to outright repeal sections 79-1072.01 and 79-1072.02, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 765. Introduced by Executive Board: Engel, 17, Chairperson.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-123, 60-137, 60-144, 60-146, 60-362, 60-385, and 60-3,187, Revised Statutes Supplement, 2005; to correct internal references relating to Laws 2005, LB 274, and Laws 2005, LB 276; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 766. Introduced by Howard, 9.

A BILL FOR AN ACT relating to public health and welfare; to create a task force; to provide for a review and recommendations regarding the use of certain drugs by wards of the state; to provide a termination date; and to declare an emergency.

LEGISLATIVE BILL 767. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Sex Offender Registration Act; to amend section 29-4011, Revised Statutes Cumulative Supplement, 2004; to change a penalty for violation of the act; and to repeal the original section.

LEGISLATIVE BILL 768. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,112, Reissue Revised Statutes of Nebraska, and section 60-462, Revised Statutes Supplement, 2005; to prohibit the use of a mobile telephone as prescribed; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 769. Introduced by Friend, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 2005; to provide an income tax credit for certain educational expenses; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 770. Introduced by Friend, 10.

A BILL FOR AN ACT relating to foster care; to amend section 43-1314, Reissue Revised Statutes of Nebraska; to clarify the right of participation in review hearings; and to repeal the original section.

LEGISLATIVE BILL 771. Introduced by Friend, 10.

A BILL FOR AN ACT relating to the Uniform Disposition of Unclaimed Property Act; to amend section 69-1329, Reissue Revised Statutes of Nebraska; to authorize payment on certain claims; and to repeal the original section.

LEGISLATIVE BILL 772. Introduced by Friend, 10.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-698, Reissue Revised Statutes of Nebraska; to change penalty provisions for failure to stop for certain accidents; and to repeal the original section.

LEGISLATIVE BILL 773. Introduced by Friend, 10.

A BILL FOR AN ACT relating to crimes and offenses; to amend section

28-1317, Reissue Revised Statutes of Nebraska; to prohibit picketing at a funeral as prescribed; to provide a penalty; to define terms; and to repeal the original section.

LEGISLATIVE BILL 774. Introduced by Friend, 10.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-905, Revised Statutes Cumulative Supplement, 2004; to modify provisions related to operation of a motor vehicle to avoid arrest; and to repeal the original section.

LEGISLATIVE BILL 775. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.02 and 77-27,132, Reissue Revised Statutes of Nebraska; to change the sales tax rate; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 776. Introduced by Engel, 17.

A BILL FOR AN ACT relating to solid waste management; to amend section 13-2039, Revised Statutes Cumulative Supplement, 2004; to change requirements relating to the disposal of yard waste; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 777. Introduced by Kruse, 13.

A BILL FOR AN ACT relating to driving under the influence; to amend section 60-6,197.06, Reissue Revised Statutes of Nebraska, and section 60-6,197.03, Revised Statutes Supplement, 2005; to change penalty provisions for driving under the influence; to provide penalties for operating a motor vehicle during operator's license revocation period; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 778. Introduced by Langemeier, 23; Erdman, 47.

A BILL FOR AN ACT relating to appraisers; to amend sections 13-403, 44-320, 72-224.03, 72-257, 76-706, 76-1907, 76-2201, 76-2202, 76-2203, 76-2204, 76-2205.01, 76-2206, 76-2207, 76-2208, 76-2210, 76-2210.01, 76-2210.02, 76-2211.01, 76-2212, 76-2213, 76-2215, 76-2216, 76-2217.01, 76-2218, 76-2218.01, 76-2220, 76-2222, 76-2223, 76-2224, 76-2225, 76-2226, 76-2228, 76-2229, 76-2229.01, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01, 76-2233.02, 76-2236, 76-2237, 76-2238, 76-2239, 76-2241, 76-2242, 76-2243, 76-2245, 76-2246, 76-2247.01, 76-2248, 76-2249, 76-2250, and 77-2019, Reissue Revised Statutes of Nebraska, sections 2-1502, 2-5506, and 77-5004, Revised Statutes Cumulative Supplement, 2004, and sections 49-14,103.01, 76-2221, and 77-1355, Revised Statutes Supplement, 2005; to change provisions relating to real estate appraisers; to adopt national credentialing standards; to redefine terms; to harmonize provisions; to repeal the original sections; and to outright repeal section 76-2203.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 779. Introduced by Flood, 19.

A BILL FOR AN ACT relating to interception of communications; to amend section 86-2,112, Revised Statutes Cumulative Supplement, 2004; to

provide for discovery based upon additional offenses; and to repeal the original section.

LEGISLATIVE BILL 780. Introduced by Flood, 19.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2004; to create the offense of assault on an officer using bodily fluids; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 781. Introduced by Mines, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2001, 77-2002, 77-2004, and 77-2005.01, Reissue Revised Statutes of Nebraska; to change inheritance tax provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 782. Introduced by Mines, 18.

A BILL FOR AN ACT relating to tobacco products; to amend sections 28-1418 to 28-1420, 28-1423, 28-1424 to 28-1429, 59-1516, 59-1523, 77-2601, and 77-2612, Reissue Revised Statutes of Nebraska, and section 28-1422, Revised Statutes Cumulative Supplement, 2004; to change the legal age to purchase tobacco from eighteen to nineteen; to define terms and update language; to harmonize provisions; to repeal the original sections; and to outright repeal section 28-1421, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 783. Introduced by Mines, 18.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-201, Revised Statutes Supplement, 2005; to prohibit hunting through the Internet; to provide penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 784. Introduced by Mines, 18.

A BILL FOR AN ACT relating to public access to public lands; to amend section 18-1755, Reissue Revised Statutes of Nebraska, and section 2-3235, Revised Statutes Supplement, 2004; to require a duty for natural resources districts; to require a duty for cities and villages; and to repeal the original sections.

LEGISLATIVE BILL 785. Introduced by Mines, 18.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-124, Reissue Revised Statutes of Nebraska; to change provisions relating to a shipper's license fee; and to repeal the original section.

LEGISLATIVE BILL 786. Introduced by Mines, 18.

A BILL FOR AN ACT relating to recall of elected officials; to amend sections 32-1301, 32-1302, 32-1303, and 32-1304, Reissue Revised Statutes of Nebraska; to provide for recall of elected members of airport authorities in cities of the primary, first, or second class and in villages; to change provisions relating to reasons for recall of elected officials; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 787. Introduced by Mines, 18.

A BILL FOR AN ACT relating to government; to amend section 55-131, Reissue Revised Statutes of Nebraska; to state intent; to define terms; to provide for calibration of radiological instruments; to provide powers and duties for the Military Department; to provide fees; to create a fund; to harmonize provisions; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 788. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to elections; to amend section 32-1524, Reissue Revised Statutes of Nebraska; to change provisions relating to activities prohibited near polling places; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 789. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-392, Revised Statutes Supplement, 2005; to change provisions relating to renewal of registration; and to repeal the original section.

LEGISLATIVE BILL 790. Introduced by Hudkins, 21; Stuthman, 22.

A BILL FOR AN ACT relating to public health; to adopt the Mercury Vaccine and Drug Act; to provide a penalty; and to declare an emergency.

LEGISLATIVE BILL 791. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.41, Reissue Revised Statutes of Nebraska; to exempt animal identification devices from sales tax; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 792. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to state lands; to amend section 90-404, Revised Statutes Cumulative Supplement, 2004; to provide for acquisition of certain property in the city of Bassett by the Game and Parks

Commission; and to repeal the original section.

LEGISLATIVE BILL 793. Introduced by Foley, 29.

A BILL FOR AN ACT relating to the Sex Offender Registration Act; to amend section 29-4013, Revised Statutes Supplement, 2005; to change provisions relating to the release of information as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 794. Introduced by Brown, 6.

A BILL FOR AN ACT relating to computers; to amend sections 28-1341, 28-1342, and 28-1343, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to computer crimes; to prohibit acts relating to computer fraud and commercial electronic mail messages; to authorize civil actions; to provide for seizure and forfeiture of property; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 795. Introduced by Cunningham, 40; Raikes, 25.

A BILL FOR AN ACT relating to school finance; to amend section 79-1010, Reissue Revised Statutes of Nebraska; to change provisions related to the repayment of incentive payments by school districts; and to repeal the original section.

LEGISLATIVE BILL 796. Introduced by Cunningham, 40.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-601, 60-605, and 60-6,290, Reissue Revised Statutes of Nebraska; to define a term; to change provisions regarding the permissible length of certain vehicles; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 797. Introduced by Kopplin, 3; Pahls, 31; Schimek, 27.

A BILL FOR AN ACT relating to community colleges; to amend section 85-1503, Revised Statutes Supplement, 2005; to change state aid to tribally controlled community colleges as prescribed; and to repeal the original section.

LEGISLATIVE BILL 798. Introduced by Baker, 44.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2005; to change income tax adjustments relating to federal bonus depreciation and expensing of capital investments; and to repeal the original section.

LEGISLATIVE BILL 799. Introduced by Baker, 44; Kremer, 34; Wehrbein, 2.

A BILL FOR AN ACT relating to eminent domain; to amend section 76-701, Reissue Revised Statutes of Nebraska; to provide restrictions on the use of eminent domain; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 800. Introduced by Baker, 44.

A BILL FOR AN ACT relating to telecommunications regulation; to amend section 86-125, Revised Statutes Cumulative Supplement, 2004; to provide for registration of communications service providers; to state duties; to define a term; and to repeal the original section.

LEGISLATIVE BILL 801. Introduced by Baker, 44.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-109.01, 75-370, and 75-371, Reissue Revised Statutes of Nebraska; to eliminate certain provisions related to transportation of hazardous materials; to harmonize provisions; to repeal the original sections; and to outright repeal sections 75-383 and 75-384, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 802. Introduced by Cunningham, 40.

A BILL FOR AN ACT relating to marriage certificates; to amend sections 42-116 and 42-371.01, Reissue Revised Statutes of Nebraska, and sections 71-612 and 71-628, Revised Statutes Cumulative Supplement, 2004; to provide for the acceptance of an abstract of marriage in place of a certified copy of a marriage license; and to repeal the original sections.

LEGISLATIVE BILL 803. Introduced by Kopplin, 3.

A BILL FOR AN ACT relating to schools; to amend sections 79-101 and 79-528, Reissue Revised Statutes of Nebraska; to define terms; to change reporting requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 804. Introduced by Kopplin, 3.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3442, Revised Statutes Supplement, 2005; to change a tax levy limitation relating to schools; and to repeal the original section.

LEGISLATIVE BILL 805. Introduced by Natural Resources Committee: Schrock, 38, Chairperson; Hudkins, 21; Kopplin, 3; Kremer, 34; Louden, 49; McDonald, 41; Stuhr, 24.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management

and Protection Act; to amend section 46-701, Reissue Revised Statutes of Nebraska; to create the Interrelated Water Management Plan Program as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 806. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 79-1018.01, Reissue Revised Statutes of Nebraska, and section 60-3,186, Revised Statutes Supplement, 2005; to adopt the Car Tax Reduction Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 807. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Revised Statutes Supplement, 2005; to change a provision relating to references to the Internal Revenue Code; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 808. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.01 and 77-2701.02, Reissue Revised Statutes of Nebraska; to change the income tax rate and sales tax rate; and to repeal the original sections.

LEGISLATIVE BILL 809. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2005; to change income tax adjustments relating to federal bonus depreciation and expensing of capital investments; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 810. Introduced by Landis, 46.

A BILL FOR AN ACT relating to income tax; to amend section 77-2715.07, Revised Statutes Supplement, 2005; to provide an income tax credit as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 811. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-164.01 and 53-165, Reissue Revised Statutes of Nebraska; to change provisions relating to tax reports; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 812. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections

77-5009, 77-5011, and 77-5029, Reissue Revised Statutes of Nebraska, sections 77-684, 77-5016.09, 77-5017, 77-5020, and 77-5022, Revised Statutes Cumulative Supplement, 2004, and sections 60-3,189, 77-202.12, 77-1327, 77-1345.01, 77-1502, 77-1504, 77-1507, 77-1510, 77-5016, 77-5019, 77-5026, 77-5028, and 79-1016, Revised Statutes Supplement, 2005; to change protest and appeal procedures; to change powers and duties of the Property Tax Administrator and the Tax Equalization and Review Commission; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 813. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 18-2148, 18-2149, 23-3209, 77-801.01, 77-1843, and 77-5029, Reissue Revised Statutes of Nebraska, sections 18-2117.01, 18-2147, 23-3202, and 77-422, Revised Statutes Cumulative Supplement, 2004, and sections 77-1502, 77-1507, and 79-1016, Revised Statutes Supplement, 2005; to change and eliminate provisions relating to redevelopment plans, county assessors, assessment of property, and valuation; to harmonize provisions; to repeal the original sections; and to outright repeal sections 77-1515 and 77-1613.03, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 814. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to streets and roads; to amend sections 66-4,148, 66-6,109, and 77-27,132, Reissue Revised Statutes of Nebraska, and sections 66-489, 66-4,105, 66-4,145, 66-4,146, and 66-6,107, Revised Statutes Cumulative Supplement, 2004; to increase motor fuel taxes; to allocate revenue as prescribed; to change distribution of certain sales and use tax proceeds; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 815. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-3,131, Revised Statutes Supplement, 2005; to modify permitted uses of historical vehicles to transport passengers for hire; to permit the hauling of large loads by historical vehicles; and to repeal the original section.

LEGISLATIVE BILL 816. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,131, Reissue Revised Statutes of Nebraska; to prohibit certain vehicles from traveling in the left-hand lane on certain roadways; and to repeal the original section.

LEGISLATIVE BILL 817. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to state constitutional officers; to amend section 75-104, Reissue Revised Statutes of Nebraska, and sections 84-101.01, 84-201.01, and 84-721, Revised Statutes Cumulative

Supplement, 2004; to change the salaries of the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, and members of the Public Service Commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 818. Introduced by Burling, 33.

A BILL FOR AN ACT relating to solid waste; to amend section 13-2039, Revised Statutes Cumulative Supplement, 2004; to provide for the use of tires as safety barriers; and to repeal the original section.

LEGISLATIVE BILL 819. Introduced by Byars, 30.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.20, Reissue Revised Statutes of Nebraska; to change provisions relating to licensees; and to repeal the original section.

LEGISLATIVE BILL 820. Introduced by Byars, 30.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-403, Reissue Revised Statutes of Nebraska; to change provisions relating to hunting permit exemptions; and to repeal the original section.

LEGISLATIVE BILL 821. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to education; to provide for part-time enrollment and for participation by exempt students in public school courses and activities; and to provide duties for school boards.

LEGISLATIVE BILL 822. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to water wells; to amend sections 46-1208, 46-1233.01, 46-1238, and 46-1239, Reissue Revised Statutes of Nebraska, and section 81-2121, Revised Statutes Supplement, 2004; to change provisions relating to construction or opening of water wells, breaking seals, and installation of pumps; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 823. Introduced by Government, Military and Veterans Affairs Committee: Schimek, 27, Chairperson; Brown, 6; Burling, 33; Fischer, 43; Langemeier, 23; Mines, 18; Pahls, 31; Wehrbein, 2; and Stuthman, 22.

A BILL FOR AN ACT relating to fees; to amend section 33-106.02, Revised Statutes Supplement, 2005; to change fee disposition provisions for clerks of the district court; and to repeal the original section.

LEGISLATIVE BILL 824. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to courts; to amend sections 25-2009, 29-812, 29-814.01, and 43-2,129, Reissue Revised Statutes of Nebraska, and section 25-2720.01, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to the Court of Appeals, county courts, juvenile courts, and search warrants; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 825. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to infectious diseases; to amend sections 43-247, 71-507, and 71-510, Reissue Revised Statutes of Nebraska; to require certain reporting of exposure to infectious diseases; to include school district employees; to waive sovereign immunity; to authorize jurisdiction; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 826. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to marriage; to amend section 42-108, Reissue Revised Statutes of Nebraska; to change provisions of who may perform marriage ceremonies; and to repeal the original section.

LEGISLATIVE BILL 827. Introduced by Business and Labor Committee: Cunningham, 40; Chairperson; Burling, 33; Combs, 32; Kremer, 34; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-665 and 48-665.01, Reissue Revised Statutes of Nebraska, and section 48-601, Revised Statutes Supplement, 2005; to change and provide provisions relating to overpayments; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 828. Introduced by Kruse, 13; Combs, 32; Connealy, 16; Cornett, 45; Howard, 9; Kopplin, 3; Price, 26; Wehrbein, 2.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 44-6408, 60-501, 60-509, 60-534, and 60-549, Reissue Revised Statutes of Nebraska, and sections 60-310 and 60-346, Revised Statutes Supplement, 2005; to change liability insurance and financial responsibility requirements; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 829. Introduced by Baker, 44; Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 14-109, 15-203, 16-205, 17-525, 39-2510, 39-2520, and 66-4,148, Reissue Revised Statutes of Nebraska, and section 15-202, Revised Statutes Cumulative Supplement, 2004; to prohibit certain city taxes; to change provisions relating to use of certain sales and use taxes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 830. Introduced by D. Pederson, 42; Engel, 17; Johnson, 37; Dw. Pedersen, 39; Thompson, 14.

A BILL FOR AN ACT relating to education; to state findings; to create a task force; and to provide powers and duties.

LEGISLATIVE BILL 831. Introduced by D. Pederson, 42; Johnson, 37; Dw. Pedersen, 39; Schrock, 38.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2005; to change an exemption for educational savings plans; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 832. Introduced by McDonald, 41; Baker, 44; Langemeier, 23.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-4,124, Revised Statutes Supplement, 2005; to provide for the impoundment of school permits; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 833. Introduced by Byars, 30; Cunningham, 40; Erdman, 47; Howard, 9; Jensen, 20; Johnson, 37; Stuthman, 22.

A BILL FOR AN ACT relating to the practice of medicine and surgery; to amend section 71-1,102, Reissue Revised Statutes of Nebraska, and section 71-1,103, Revised Statutes Supplement, 2005; to change provisions relating to consultation by nonresidents; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 834. Introduced by Kremer, 34; Burling, 33; Cunningham, 40; Erdman, 47; Fischer, 43; Wehrbein, 2.

A BILL FOR AN ACT relating to agriculture; to amend section 81-2,147, Reissue Revised Statutes of Nebraska; to prohibit seed regulation by political subdivisions; and to repeal the original section.

LEGISLATIVE BILL 835. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to anabolic steroids; to amend sections 79-296 and 79-808, Reissue Revised Statutes of Nebraska; to modify the penalty of ineligibility for student athletes who possess anabolic steroids; to authorize revocation of professional certificates of administrators or teachers in certain situations; to prohibit the employment for a specified period in public schools of persons who have committed an offense involving anabolic steroids; and to repeal the original sections.

LEGISLATIVE BILL 836. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5725 and 77-5727, Revised Statutes Supplement, 2005; to change provisions of the Nebraska Advantage Act; and to repeal the original sections.

LEGISLATIVE BILL 837. Introduced by Redfield, 12; Combs, 32.

A BILL FOR AN ACT relating to license plates; to amend sections 39-2215, 60-3,125, and 60-3,141, Revised Statutes Supplement, 2005; to change the distribution of fees as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 838. Introduced by Cunningham, 40.

A BILL FOR AN ACT relating to radiation; to amend section 71-3508, Reissue Revised Statutes of Nebraska; to exempt certified registered nurse anesthetists from radiation use qualifications; and to repeal the original section.

LEGISLATIVE BILL 839. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to schools; to provide for reversing certain orders of the State Committee for the Reorganization of School Districts as prescribed.

LEGISLATIVE BILL 840. Introduced by Redfield, 12; Cornett, 45; Erdman, 47; Howard, 9; Preister, 5; Synowiecki, 7.

A BILL FOR AN ACT relating to natural gas; to amend sections 77-2701.39 and 77-2704.13, Reissue Revised Statutes of Nebraska, and sections 77-2701, 77-2701.04, and 77-2701.16, Revised Statutes Supplement, 2005; to exempt natural gas from sales and use taxes; to impose an excise tax on natural gas; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 841. Introduced by Stuhr, 24; Flood, 19; Johnson, 37.

A BILL FOR AN ACT relating to children; to adopt the Safe Haven Act.

LEGISLATIVE BILL 842. Introduced by Stuhr, 24; Brown, 6; Combs, 32; Fischer, 43; Flood, 19; Hudkins, 21; McDonald, 41; Price, 26; Redfield, 12; Schimek, 27; Thompson, 14.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2004; to create the offenses of forced labor or services, sexual servitude, and trafficking of victims; to provide penalties; to harmonize provisions; and to repeal the

original section.

LEGISLATIVE BILL 843. Introduced by Combs, 32.

A BILL FOR AN ACT relating to labor; to require an employer to provide employee a reason for termination as prescribed; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 844. Introduced by Byars, 30; Howard, 9; Johnson, 37.

A BILL FOR AN ACT relating to health and human services; to amend sections 81-101 and 81-102, Reissue Revised Statutes of Nebraska, and section 81-1316, Revised Statutes Cumulative Supplement, 2004; to adopt the Health and Human Services System Act; to create a new agency; to state intent; to eliminate the Department of Health and Human Services, the Department of Health and Human Services Finance and Support, the Department of Health and Human Services Regulation and Licensure, the Policy Secretary, and the Policy Cabinet; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 81-3007.01, 81-3103, 81-3108, 81-3203, and 81-3303, Reissue Revised Statutes of Nebraska, sections 81-3001, 81-3001.01, 81-3006, 81-3008, 81-3009, 81-3101, 81-3106, 81-3107, 81-3201, 81-3206, 81-3207, 81-3301, 81-3302, 81-3306, and 81-3307, Revised Statutes Cumulative Supplement, 2004, and sections 81-3004, 81-3102, 81-3202, 81-3208, 81-3209, 81-3210, and 81-3211, Revised Statutes Supplement, 2005.

LEGISLATIVE BILL 845. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-132, Reissue Revised Statutes of Nebraska; to change provisions relating to issuance of retail licenses; and to repeal the original section.

LEGISLATIVE BILL 846. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to state institutions; to amend section 83-380.01, Reissue Revised Statutes of Nebraska; to change provisions relating to prescription medicines for indigent persons as prescribed; and to repeal the original section.

LEGISLATIVE BILL 847. Introduced by Redfield, 12; Brown, 6; Friend, 10; Jensen, 20; Kruse, 13; Pahls, 31; Dw. Pedersen, 39; Synowiecki, 7.

A BILL FOR AN ACT relating to elections; to amend section 32-501, Reissue Revised Statutes of Nebraska; to change residency requirements for candidates for local office as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 848. Introduced by Connealy, 16; Schrock, 38.

A BILL FOR AN ACT relating to environment; to establish a renewable fuel content standard for gasoline sold in Nebraska; to eliminate a requirement for reformulated gasoline; to provide an operative date; and to outright repeal section 66-1225, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 849. Introduced by Redfield, 12; Aguilar, 35; Baker, 44; Bourne, 8; Brown, 6; Combs, 32; Cornett, 45; Cunningham, 40; Erdman, 47; Flood, 19; Foley, 29; Friend, 10; Janssen, 15; Mines, 18; Pahls, 31; Dw. Pedersen, 39; Smith, 48; Stuhr, 24; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.02, Reissue Revised Statutes of Nebraska; to change income tax rates as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 850. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-201.02, Reissue Revised Statutes of Nebraska; to provide for the purchase of real property as prescribed; and to repeal the original section.

LEGISLATIVE BILL 851. Introduced by Howard, 9; Aguilar, 35; Brown, 6; Connealy, 16; Janssen, 15; Jensen, 20; Johnson, 37; Kopplin, 3; Kruse, 13; Landis, 46; Louden, 49; Preister, 5; Raikes, 25; Schimek, 27; Schrock, 38; Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services Finance and Support as prescribed.

LEGISLATIVE BILL 852. Introduced by Byars, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for rate equity for developmental disability providers; and to declare an emergency.

LEGISLATIVE BILL 853. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-6,265 and 60-6,267, Reissue Revised Statutes of Nebraska, and sections 60-311, 60-342, 60-3,196, 60-462.01, 60-4,147.02, and 60-4,147.03, Revised Statutes Supplement, 2005; to change references to federal law related to motor vehicle registrations, motor vehicle operators' licenses, and occupant protection systems; and to repeal the original sections.

LEGISLATIVE BILL 854. Introduced by Cunningham, 40; Erdman, 47;

Jensen, 20; Johnson, 37; Stuthman, 22.

A BILL FOR AN ACT relating to health; to adopt the Long-Term Care Partnership Program Act; to repeal the Long-Term Care Partnership Program Development Act; and to outright repeal sections 68-1095, 68-1096, 68-1097, 68-1098, and 68-1099, Revised Statutes Supplement, 2005.

LEGISLATIVE BILL 855. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to animals; to amend sections 54-701.03, 54-703 to 54-705, and 54-750 to 54-753, Reissue Revised Statutes of Nebraska; to require notification of and records for exotic animal auctions or swap meets as prescribed; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 856. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3006 and 2-3007, Reissue Revised Statutes of Nebraska, and sections 2-3002, 2-3003, and 2-3005, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to poultry disease control; and to repeal the original sections.

LEGISLATIVE BILL 857. Introduced by Smith, 48.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Reissue Revised Statutes of Nebraska; to change sales tax distribution; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 858. Introduced by Smith, 48; Erdman, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 2005; to exempt certain multifuel pellet stoves from sales and use taxes; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 859. Introduced by Combs, 32.

A BILL FOR AN ACT relating to motor vehicle registration; to amend sections 60-3,122, 60-3,123, 60-3,124, and 60-3,125, Revised Statutes Supplement, 2005; to eliminate the additional fee for the issuance of Pearl Harbor, prisoner of war, disabled veteran, and Purple Heart license plates; to harmonize provisions; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 245. Introduced by Howard, 9; Beutler,

28; Byars, 30; Landis, 46.

WHEREAS, Peter J. Hoagland served eight years in the Nebraska Legislature from 1979 to 1987 representing the 6th District; and

WHEREAS, Peter J. Hoagland served as chairperson of the Legislature's Judiciary Committee and Vice-Chairperson of the Education Committee; and

WHEREAS, Peter J. Hoagland sponsored legislation in the Nebraska Legislature strengthening Nebraska's drunk driving laws, protecting Dundee's historic globe lights, and protecting ground water; and

WHEREAS, Peter J. Hoagland was elected to three terms in the United States House of Representatives from 1989 to 1995, representing the 2nd Congressional District of Nebraska, and serving on the Banking, Finance and Urban Affairs Committee, the Small Business Committee, and the Ways and Means Committee; and

WHEREAS, Peter J. Hoagland sponsored the Niobrara Wild and Scenic River Act, protecting one of Nebraska's natural scenic wonders for future generations, supported increased funding for public housing, and supported boot camps for drug offenders.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes the service Peter J. Hoagland has given to the people of Nebraska.

2. That the Clerk of the Legislature send a copy of this resolution to Peter J. Hoagland.

Laid over.

LEGISLATIVE RESOLUTION 246. Introduced by Fischer, 43.

WHEREAS, the Stuart High School Mock Trial Team placed second at the 2005 Nebraska State Mock Trial Tournament; and

WHEREAS, the Stuart High School Mock Trial Team was the only Class D team in the tournament and was the smallest high school in the tournament; and

WHEREAS, this was the Stuart High School Mock Trial Team's third consecutive trip to the State Competition; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Stuart High School Mock Trial Team be congratulated for their success.

2. That a copy of this resolution be sent to the Stuart High School Mock Trial Team and their coaches: Deb Kaup, Janet L. Krotter Chvala, and Andrew J. Hoffman.

Laid over.

LEGISLATIVE RESOLUTION 247. Introduced by Fischer, 43.

WHEREAS, the Sargent High School Football Team placed second in Class D-2 at the 2005 Nebraska State Football Finals; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Sargent High School Football Team be congratulated for their success.

2. That a copy of this resolution be sent to the Sargent High School Football Team and their coaches.

Laid over.

LEGISLATIVE RESOLUTION 248. Introduced by Fischer, 43.

WHEREAS, Katelyn White, of the Broken Bow High School Girls' Cross Country Team, placed first in the Class C girls' competition at the 2005 Nebraska State Cross Country Meet; and

WHEREAS, Katelyn is the first Class C girls' competitor in state history to win the All-Class Gold Medal; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Katelyn White on her success and great achievement.

2. That a copy of this resolution be sent to Katelyn White.

Laid over.

LEGISLATIVE RESOLUTION 249. Introduced by Fischer, 43.

WHEREAS, the Ainsworth High School Girls' Cross Country Team placed second in Class C at the 2005 Nebraska State Cross Country Competition; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Ainsworth High School Girls' Cross Country Team be congratulated for their success.

2. That a copy of this resolution be sent to the Ainsworth High School Girls' Cross Country Team and their coaches.

Laid over.

LEGISLATIVE RESOLUTION 250. Introduced by Smith, 48.

WHEREAS, President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, union leader, corporate spokesman, Governor of California, and President of the United States; and

WHEREAS, Ronald Reagan served with honor and distinction for two terms as the fortieth President of the United States of America; the second of which he earned the confidence of three-fifths of the electorate and was victorious in forty-nine of the fifty state in the general election - a record unsurpassed in the history of American presidential elections; and

WHEREAS, in 1981, when Ronald Reagan was inaugurated President, he inherited a disillusioned nation shackled by rampant inflation and high unemployment; and

WHEREAS, during Mr. Reagan's presidency he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government which led to an unprecedented economic expansion and opportunity for millions of Americans; and

WHEREAS, Mr. Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods; and

WHEREAS, President Reagan's commitment to our armed forces contributed to the restoration of pride in America, her values, and those cherished by the free world and prepared America's armed forces to meet Twenty-first Century challenges; and

WHEREAS, President Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and

WHEREAS, February 6, 2006, will be the ninety-fifth anniversary of Ronald Reagan's birth and the second since his passing.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That February 6, 2006, is Ronald Reagan Day in Nebraska.

2. That all residents of Nebraska are urged to take cognizance of Ronald Reagan Day and participate fittingly in its observance.

Laid over.

LEGISLATIVE RESOLUTION 251. Introduced by Smith, 48.

WHEREAS, under tax relief legislation passed in 2001, the death tax was temporarily phased out but not permanently eliminated; and

WHEREAS, farmers and other small business owners will face losing their farms and businesses if the federal government resumes the heavy taxation of citizens at death; and

WHEREAS, this is a tax that is particularly damaging to families who are working their way up the ladder and trying to accumulate wealth for the first time; and

WHEREAS, employees suffer layoffs when small and medium businesses

are liquidated to pay death taxes; and

WHEREAS, if the death tax had been repealed in 1996, the United States economy would have realized billions of dollars each year in extra output and an average of one hundred forty-five thousand additional new jobs would have been created; and

WHEREAS, having repeatedly passed in the United States House of Representatives and Senate, repeal of the death tax holds wide bipartisan support.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That members of the congressional delegation of the State of Nebraska are urged to support, work to pass, and vote for the immediate and permanent repeal of the death tax.

2. That the Clerk of the Legislature shall send copies of this resolution to the members of Nebraska's congressional delegation.

Laid over.

LEGISLATIVE RESOLUTION 252. Introduced by Smith, 48.

WHEREAS, the Fifth Amendment to the United States Constitution states "nor shall private property be taken for public use, without just compensation"; and

WHEREAS, Kelo vs. the City of New London gave local governments and municipalities the power to seize private property for private enterprises in order to increase tax revenue and stimulate economic development, not for any public use or purpose; and

WHEREAS, this interpretation of the eminent domain power infringes upon the most fundamental of rights and endangers property owners across the nation; and

WHEREAS, Article I, section 8 of the United States Constitution states "The Congress shall have Power ... To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries"; and

WHEREAS, the exclusive right of authors and inventors to their intellectual property is being subjected to increasing infringement and threats of infringement by both public and private entities, ranging from global piracy to illegal sharing of content files on college campuses to governmental abrogation; and

WHEREAS, state legislatures have the duty to limit both public and private infringements of private entities' rights to the use and enjoyment of physical and intellectual property on matters within the authority of the legislatures and to oppose such violations on matters without their authority.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That governmental takings of either physical or intellectual property for nonpublic uses or purposes, governmental abrogation of physical or intellectual property rights without compensation, and illegal use of physical or intellectual property by private entities are violations of the fundamental

rights of the owners of physical and intellectual property.

2. That the Legislature will work to restore, protect, and enhance intellectual and physical property rights by reviewing present law and pending legislation.

3. That members of the congressional delegation of the State of Nebraska are urged to restore, protect, and enhance intellectual and physical property rights in present federal law, pending federal legislation, and all trade agreements.

4. That the Clerk of the Legislature shall send copies of this resolution to the members of Nebraska's congressional delegation.

Laid over.

LEGISLATIVE RESOLUTION 253CA. Introduced by Hudkins, 21; Fischer, 43.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 18 to Article VII:

VII-18 Except as provided in this section, no school district which has students shall be dissolved or affiliated with or merged into another school district unless the dissolution is approved by the voters of such school district or the affiliation or merger is approved by the voters of each school district involved. To be approved, a majority of the votes cast on the issue must be cast in favor of the dissolution and a majority of the votes cast on the issue in each school district must be cast in favor of the affiliation or merger. The transfer of a parcel of land from one school district to another at the request of the landowner does not constitute a dissolution, affiliation, or merger for purposes of this section.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to provide for a vote prior to dissolution of a school district or affiliation or merger of two or more school districts.

For

Against.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 254CA. Introduced by Landis, 46.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 30 to Article I:

I-30 This state shall not make or enforce any law which infringes upon or interferes with the privacy of the person, family, home, property, documents, correspondence, or information of any person unless the rights of others are directly infringed or unless public safety can be ensured by no lesser means.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to prohibit this state from making or enforcing any law which infringes upon or interferes with privacy with certain exceptions.

For

Against.

Referred to the Reference Committee.

AMENDMENTS - Print in Journal

Senator Cornett filed the following amendment to LB 478:

AM1810

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 77-2716, Revised Statutes Supplement, 2005, is amended to read:

77-2716. (1) The following adjustments to federal adjusted gross income or, for corporations and fiduciaries, federal taxable income shall be made for interest or dividends received:

(a) There shall be subtracted interest or dividends received by the owner of obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent includable in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States;

(b) There shall be subtracted that portion of the total dividends and other income received from a regulated investment company which is attributable to obligations described in subdivision (a) of this subsection as reported to the recipient by the regulated investment company;

(c) There shall be added interest or dividends received by the owner of obligations of the District of Columbia, other states of the United States, or their political subdivisions, authorities, commissions, or instrumentalities to the extent excluded in the computation of gross income for federal income tax purposes except that such interest or dividends shall not be added if received by a corporation which is a regulated investment company;

(d) There shall be added that portion of the total dividends and other income received from a regulated investment

company which is attributable to obligations described in subdivision (c) of this subsection and excluded for federal income tax purposes as reported to the recipient by the regulated investment company; and

(e)(i) Any amount subtracted under this subsection shall be reduced by any interest on indebtedness incurred to carry the obligations or securities described in this subsection or the investment in the regulated investment company and by any expenses incurred in the production of interest or dividend income described in this subsection to the extent that such expenses, including amortizable bond premiums, are deductible in determining federal taxable income.

(ii) Any amount added under this subsection shall be reduced by any expenses incurred in the production of such income to the extent disallowed in the computation of federal taxable income.

(2) There shall be allowed a net operating loss derived from or connected with Nebraska sources computed under rules and regulations adopted and promulgated by the Tax Commissioner consistent, to the extent possible under the Nebraska Revenue Act of 1967, with the laws of the United States. For a resident individual, estate, or trust, the net operating loss computed on the federal income tax return shall be adjusted by the modifications contained in this section. For a nonresident individual, estate, or trust or for a partial-year resident individual, the net operating loss computed on the federal return shall be adjusted by the modifications contained in this section and any carryovers or carrybacks shall be limited to the portion of the loss derived from or connected with Nebraska sources.

(3) There shall be subtracted from federal adjusted gross income for all taxable years beginning on or after January 1, 1987, the amount of any state income tax refund to the extent such refund was deducted under the Internal Revenue Code, was not allowed in the computation of the tax due under the Nebraska Revenue Act of 1967, and is included in federal adjusted gross income.

(4) Federal adjusted gross income, or, for a fiduciary, federal taxable income shall be modified to exclude the portion of the income or loss received from a small business corporation with an election in effect under subchapter S of the Internal Revenue Code or from a limited liability company organized pursuant to the Limited Liability Company Act that is not derived from or connected with Nebraska sources as determined in section 77-2734.01.

(5) There shall be subtracted from federal adjusted gross income or, for corporations and fiduciaries, federal taxable income dividends received or deemed to be received from corporations which are not subject to the Internal Revenue Code.

(6) There shall be subtracted from federal taxable income a portion of the income earned by a corporation subject to the Internal Revenue Code of 1986 that is actually taxed by a foreign

country or one of its political subdivisions at a rate in excess of the maximum federal tax rate for corporations. The taxpayer may make the computation for each foreign country or for groups of foreign countries. The portion of the taxes that may be deducted shall be computed in the following manner:

(a) The amount of federal taxable income from operations within a foreign taxing jurisdiction shall be reduced by the amount of taxes actually paid to the foreign jurisdiction that are not deductible solely because the foreign tax credit was elected on the federal income tax return;

(b) The amount of after-tax income shall be divided by one minus the maximum tax rate for corporations in the Internal Revenue Code; and

(c) The result of the calculation in subdivision (b) of this subsection shall be subtracted from the amount of federal taxable income used in subdivision (a) of this subsection. The result of such calculation, if greater than zero, shall be subtracted from federal taxable income.

(7) Federal adjusted gross income shall be modified to exclude any amount repaid by the taxpayer for which a reduction in federal tax is allowed under section 1341(a)(5) of the Internal Revenue Code.

(8)(a) Federal adjusted gross income or, for corporations and fiduciaries, federal taxable income shall be reduced, to the extent included, by income from interest, earnings, and state contributions received from the Nebraska educational savings plan trust created in sections 85-1801 to 85-1814.

(b) Federal adjusted gross income or, for corporations and fiduciaries, federal taxable income shall be reduced, to the extent not deducted for federal income tax purposes, by the amount of any gift, grant, or donation made to the Nebraska educational savings plan trust for deposit in the endowment fund of the trust.

(c) Federal adjusted gross income or, for corporations and fiduciaries, federal taxable income shall be reduced by any contributions as a participant in the Nebraska educational savings plan trust, to the extent not deducted for federal income tax purposes, but not to exceed five hundred dollars per married filing separate return or one thousand dollars for any other return.

(d) Federal adjusted gross income or, for corporations and fiduciaries, federal taxable income shall be increased by the amount resulting from the cancellation of a participation agreement refunded to the taxpayer as a participant in the Nebraska educational savings plan trust to the extent previously deducted as a contribution to the trust.

(9)(a) For income tax returns filed after September 10, 2001, federal adjusted gross income or, for corporations and fiduciaries, federal taxable income shall be increased by eighty-five percent of any amount of any federal bonus depreciation received under the federal Job Creation and Worker Assistance Act

of 2002 or the federal Jobs and Growth Tax Act of 2003, under section 168(k) or section 1400L of the Internal Revenue Code of 1986, as amended, for assets placed in service after September 10, 2001, and before December 31, 2005.

(b) For a partnership, limited liability company, cooperative, including any cooperative exempt from income taxes under section 521 of the Internal Revenue Code of 1986, as amended, subchapter S corporation, or joint venture, the increase shall be distributed to the partners, members, shareholders, patrons, or beneficiaries in the same manner as income is distributed for use against their income tax liabilities.

(c) For a corporation with a unitary business having activity both inside and outside the state, the increase shall be apportioned to Nebraska in the same manner as income is apportioned to the state by section 77-2734.05.

(d) The amount of bonus depreciation added to federal adjusted gross income or, for corporations and fiduciaries, federal taxable income by this subsection shall be subtracted in a later taxable year. Twenty percent of the total amount of bonus depreciation added back by this subsection for tax years beginning or deemed to begin before January 1, 2003, under the Internal Revenue Code of 1986, as amended, may be subtracted in the first taxable year beginning or deemed to begin on or after January 1, 2005, under the Internal Revenue Code of 1986, as amended, and twenty percent in each of the next four following taxable years. Twenty percent of the total amount of bonus depreciation added back by this subsection for tax years beginning or deemed to begin on or after January 1, 2003, may be subtracted in the first taxable year beginning or deemed to begin on or after January 1, 2006, under the Internal Revenue Code of 1986, as amended, and twenty percent in each of the next four following taxable years.

(10) For taxable years beginning or deemed to begin on or after January 1, 2003, under the Internal Revenue Code of 1986, as amended, federal adjusted gross income or, for corporations and fiduciaries, federal taxable income shall be increased by the amount of any capital investment that is expensed under section 179 of the Internal Revenue Code of 1986, as amended, that is in excess of twenty-five thousand dollars that is allowed under the federal Jobs and Growth Tax Act of 2003. Twenty percent of the total amount of expensing added back by this subsection for tax years beginning or deemed to begin on or after January 1, 2003, may be subtracted in the first taxable year beginning or deemed to begin on or after January 1, 2006, under the Internal Revenue Code of 1986, as amended, and twenty percent in each of the next four following tax years.

(11) For taxable years beginning or deemed to begin on or after January 1, 2006, under the Internal Revenue Code of 1986, as amended, federal adjusted gross income shall be modified to exclude the amount of income received as a military retirement

benefit resulting from service in the armed forces of the United States equal to one-half the amount of income earned as wages and salaries by the taxpayer who by virtue of his or her duties must meet eligibility requirements for access to classified information and who actually accesses classified information in performing his or her duties, if such wages and salaries are paid in Nebraska by an employer performing security classified work for the federal Department of Defense and qualified under 32 C. F. R. 155.1 through 155.6, to the extent that such wages and salaries exceed forty thousand dollars during the tax year. In order to receive the exclusion provided in this subsection, the taxpayer shall submit a certification, signed by the employer's facility security officer, that the employer has received authorization to perform classified work for the federal Department of Defense and that the taxpayer meets eligibility requirements for access to classified information and actually accesses classified information in performing his or her duties.

Sec. 2. Original section 77-2716, Revised Statutes Supplement, 2005, is repealed.

Senator D. Pederson filed the following amendment to LB 462:
AM1819

1. Strike the original sections and all amendments thereto and insert the following new sections:

1. Section 48-146.02, Revised Statutes Supplement, 2005, is amended to read:

48-146.02. (1)(a) If a three-judge panel of the Nebraska Workers' Compensation Court finds, after due notice and hearing at which the workers' compensation insurer is entitled to be heard and present evidence, that such insurer has failed to comply with an obligation under the Nebraska Workers' Compensation Act with such frequency as to indicate a general business practice to engage in that type of conduct, the three-judge panel may request the Director of Insurance to suspend or revoke the authorization of such insurer to write workers' compensation insurance under the provisions of Chapter 44 and such act. Such suspension or revocation shall not affect the liability of any such insurer under policies in force prior to the suspension or revocation.

(b) If a three-judge panel of the compensation court finds, after due notice and hearing at which the risk management pool is entitled to be heard and present evidence, that such pool has failed to comply with an obligation under the Nebraska Workers' Compensation Act, as set out in subsection (1) of section 44-4319, with such frequency as to indicate a general business practice to engage in that type of conduct, the three-judge panel may suspend or revoke the authority of the pool to provide group self-insurance coverage of workers' compensation liability pursuant to the Intergovernmental Risk Management Act. Such suspension or revocation shall not affect the liability of any such risk

management pool under the terms of the agreement forming the pool in force prior to the suspension or revocation.

(c) If a three-judge panel of the compensation court finds, after due notice and hearing at which the self-insurer is entitled to be heard and present evidence, that such self-insurer has failed to comply with an obligation under the Nebraska Workers' Compensation Act with such frequency as to indicate a general business practice to engage in that type of conduct, the three-judge panel may revoke the approval of such self-insurer to provide self-insurance coverage of workers' compensation liability pursuant to section 48-145. Such revocation shall not affect the liability of any such self-insurer under an approval by the compensation court to self-insure in force prior to the revocation.

(d) The Attorney General, when requested by the administrator of the compensation court, may file a motion pursuant to section 48-162.03 for an order directing a workers' compensation insurer, risk management pool, or self-insurer to appear before a three-judge panel of the compensation court and show cause as to why the panel should not take action pursuant to this subsection. The Attorney General shall be considered a party for purposes of such motion. The Attorney General may appear before the three-judge panel and present evidence that the workers' compensation insurer, risk management pool, or self-insurer has failed to comply with an obligation under the Nebraska Workers' Compensation Act with such frequency as to indicate a general business practice to engage in that type of conduct. The presiding judge shall rule on a motion of the Attorney General pursuant to this subdivision and, if applicable, shall appoint judges of the compensation court to serve on the three-judge panel. The presiding judge shall not serve on such panel.

(e) Appeal from an action by a three-judge panel of the compensation court pursuant to subdivision (1)(b) or (1)(c) of this section shall be in accordance with section 48-185.

(2) In addition to any other obligations under the Nebraska Workers' Compensation Act, the following acts or practices, when committed with such frequency as to indicate a general business practice to engage in that type of conduct, shall subject the workers' compensation insurer, risk management pool, or self-insurer to action pursuant to subsection (1) of this section:

(a) Knowingly misrepresenting relevant facts or the provisions of the act or any rule or regulation adopted pursuant to such act;

(b) Failing to acknowledge with reasonable promptness pertinent communications with respect to claims arising under the act;

(c) Failing to promptly investigate claims arising under the act;

(d) Not attempting in good faith to effectuate prompt, fair, and equitable payment of benefits when compensability has

become reasonably clear;

(e) Refusing to pay benefits without conducting a reasonable investigation;

(f) Failing to affirm or deny compensability of a claim within a reasonable time after having completed the investigation related to such claim;

(g) Paying substantially less than amounts owed under the act where there is no reasonable controversy;

(h) Making payment to an injured employee, beneficiary of a deceased employee, or provider of medical, surgical, or hospital services without providing a reasonable and accurate explanation of the basis for the payment;

(i) Unreasonably delaying the investigation or payment of benefits by knowingly requiring excessive verification or duplication of information;

(j) Failing, in the case of the denial of compensability or the denial, change in, or termination of benefits, to promptly provide a reasonable and accurate explanation of the basis for such action to the injured employee or beneficiary of a deceased employee;

(k) Failing, in the case of the denial of payment for medical, surgical, or hospital services, to promptly provide a reasonable and accurate explanation of the basis for such action to the provider of such services; or

(l) Failing to provide the compensation court's address and telephone number to an injured employee or beneficiary of a deceased employee with instructions to contact the court for further information:

(i) At or near the time the workers' compensation insurer, risk management pool, or self-insurer receives notice or has knowledge of the injury; and

(ii) At or near the time of the denial of compensability or the denial, change in, or termination of benefits.

(3) In order for a workers' compensation insurer, risk management pool, or self-insurer to fulfill the obligations of subsection (2) of this section, an employee filing a claim for workers' compensation benefits with a workers' compensation insurer, risk management pool, or self-insurer shall provide a patient's waiver to the workers' compensation insurer, risk management pool, or self-insurer upon the request by the same, allowing the employee's employer or workers' compensation insurer, risk management pool, or self-insurer or its representative to obtain all previous hospital and medical records, including patient information forms, concerning the employee's previous treatment with any physician. A workers' compensation insurer, risk management pool, self-insurer, or employer shall not pursuant to a patient's waiver be entitled to an employee's hospital or medical records that pertain to an employee's previous treatment for sexual abuse, reproductive health care, human immunodeficiency virus,

mental health conditions, or alcohol or controlled substance abuse. The compensation court shall prescribe a patient's waiver form to implement this subsection. Failure of the employee to provide a patient's waiver following a request for the same by the workers' compensation insurer, risk management pool, or self-insurer shall suspend the running of the thirty-day period for purposes of liability under section 48-125 until such time as the employee provides the patient's waiver. A workers' compensation insurer, risk management pool, or self-insurer obtaining an employee's hospital or medical records pursuant to a patient's waiver shall provide a listing or compilation of such records to the employee or the employee's designated agent upon request. Upon the filing of a petition in the compensation court by an injured employee or his or her representative, such employee shall provide the patient's waiver to the defendants named in the lawsuit within thirty days after filing the petition.

~~(3)~~ (4) In order to determine compliance with obligations under the Nebraska Workers' Compensation Act, the compensation court or its designee may examine the workers' compensation records of (a) a workers' compensation insurer, a risk management pool, or a self-insurer or (b) an adjuster, a third-party administrator, or other agent acting on behalf of such workers' compensation insurer, risk management pool, or self-insurer. The authority of the compensation court pursuant to this subsection is subject to the limitations provided under the work-product doctrine and attorney-client privilege as recognized in Nebraska law.

~~(4)~~ (5) The compensation court may adopt and promulgate rules and regulations necessary to implement this section.

2. Original section 48-146.02, Revised Statutes Supplement, 2005, is repealed.

PROPOSED RULES CHANGES

Senator Burling offered the following proposed rules change:
Amend Rule 2 by adding a new section

Sec. 12. Seniority. The term seniority and how it is applied shall be defined to mean service by a Senator that is consecutive and continuous service as a member of the Nebraska Legislature. Any prior legislative service wherein a break in service has occurred shall not be considered in computing a member's seniority.

Senator Erdman offered the following proposed rules change:
Rule 1, Sec. 6. Presiding Officer, Order in Designating. In the absence of both the Lieutenant Governor and the Speaker, the order of the presiding officer of the Legislature shall be as follows:

Chairperson of the Executive Board
Chairperson of the Committee on Committees

Chairperson of the Committee on Judiciary
Chairperson of the Committee on Government, Military and Veterans Affairs
Chairperson of the Committee on Appropriations
Chairperson of the Committee on Revenue
Chairperson of the Committee on Education
Chairperson of the Committee on Banking, Commerce and Insurance
~~Chairperson of the Committee on Natural Resources~~
Chairperson of the Committee on Agriculture and Natural Resources
Chairperson of the Committee on Health and Human Services
Chairperson of the Committee on General Affairs
Chairperson of the Committee on Business and Labor
Chairperson of the Committee on ~~Urban Affairs~~ Technology
Chairperson of the Committee on Transportation ~~and Telecommunications~~
Chairperson of the Committee on Nebraska Retirement Systems

Rule 3, Sec. 3. Standing Committees. (a) The standing committees of the Legislature shall be as follows:

Agriculture and Natural Resources	8 members
Appropriations	9 members
Banking, Commerce and Insurance	8 members
Business and Labor	7 members
Education	8 members
General Affairs	8 members
Government, Military and Veterans Affairs	~~8~~ 7 members
Health and Human Services	~~7~~ 8 members
Judiciary	8 members
~~Natural Resources~~	~~8 members~~
Nebraska Retirement Systems	~~6~~ 7 members
Revenue	8 members
Transportation ~~and Telecommunications~~	8 members
Technology	7 members
Urban Affairs	7 members

(b) The Speaker shall not be a regular member of a standing committee.

Rule 3, Sec. 6. Meeting Times. (a) After consultation with the Speaker, the Committee on Committees shall publish a schedule of standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to committees. Standing committees shall meet at 1:30 p.m. on weekdays, unless otherwise approved by the Legislature~~, except for the Nebraska Retirement Systems Committee, which shall meet as called by the chairperson.~~

(b) A standing committee which decides not to hold meetings on the appointed day shall report that decision to the Clerk of the Legislature.

(c) Any legislative committee shall be subject to the call of its chairperson or to the call of a majority of its members, in accordance with the notice and procedural requirements set forth in its committee rules.

Senator Erdman offered the following proposed rules change:
Rule 1, Sec. 6. Presiding Officer, Order in Designating. In the absence of both the Lieutenant Governor and the Speaker, the order of the presiding officer of the Legislature shall be as follows:

Chairperson of the Executive Board
Chairperson of the Committee on Committees
Chairperson of the Committee on Judiciary
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Rule 3, Sec. 3. Standing Committees. (a) The standing committees of the Legislature shall be as follows:

Agriculture and Natural Resources.....8 members
Appropriations.....9 members
Banking, ~~Commerce and~~ Insurance and Economic Development..... 8 members
Business and Labor .....~~7~~ 8 members
Education.....8 members
General Affairs.....8 members
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Judiciary .....8 members
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Transportation and Telecommunications .....8 members
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(b) The Speaker shall not be a regular member of a standing committee.

Rule 3, Sec. 6. Meeting Times. (a) After consultation with the Speaker, the Committee on Committees shall publish a schedule of standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to committees. Standing committees shall meet at 1:30 p.m. on weekdays, unless otherwise approved by the Legislature~~, except for the Nebraska Retirement Systems Committee, which shall meet as called by the chairperson.~~

(b) A standing committee which decides not to hold meetings on the appointed day shall report that decision to the Clerk of the Legislature.

(c) Any legislative committee shall be subject to the call of its chairperson or to the call of a majority of its members, in accordance with the notice and procedural requirements set forth in its committee rules.

Senator Erdman offered the following proposed rules change:
Rule 1, Sec. 6. Presiding Officer, Order in Designating. In the absence of both the Lieutenant Governor and the Speaker, the order of the presiding officer of the Legislature shall be as follows:

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UNANIMOUS CONSENT - Add Cointroducer

Senator Mines asked unanimous consent to add his name as cointroducer to LB 407. No objections. So ordered.

ANNOUNCEMENT

Senator Hudkins announced the Rules Committee will meet January 5, 2006, at 1:30 p.m., in Room 1524.

VISITORS

Visitor to the Chamber was Marcus Wallenas from Lund, Sweden.

The Doctor of the Day was Dr. Ron Klutman from Columbus.

ADJOURNMENT

At 11:41 a.m., on a motion by Senator Cudaback, the Legislature adjourned until 11:00 a.m., Thursday, January 5, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SECOND DAY - JANUARY 5, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 5, 2006

PRAYER

The prayer was offered by Pastor Steven Plank, Central Presbyterian Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 11:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Cunningham, Heidemann, and Synowiecki who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 123, on line 35, after "76-2247.01," insert " 76-2248, 76-2249, 76-2250, and 77-2019, Reissue Revised Statutes of Nebraska, sections 2-1502, 2-5506, and 77-5004, Revised Statutes Cumulative Supplement, 2004, and sections 49-14,103.01, 76-2221, and 77-1355, Revised Statutes Supplement, 2005; to change provisions relating to real estate appraisers; to adopt national credentialing standards; to redefine terms; to harmonize provisions; to repeal the original sections; and to outright repeal section 76-2203.01, Reissue Revised Statutes of Nebraska.

Page 129, on line 8, after "Tax" insert " Equalization and Review Commission; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Page 129, on line 17, after "outright" insert " repeal sections 77-1515 and 77-1613.03, Reissue Revised Statutes of Nebraska.

The Journal for the first day was approved as corrected.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB 764	General File
LB 765	General File
LB 766	Health and Human Services
LB 767	Judiciary
LB 768	Judiciary
LB 769	Revenue
LB 770	Judiciary
LB 771	Government, Military and Veterans Affairs
LB 772	Judiciary
LB 773	Judiciary
LB 774	Judiciary
LB 775	Revenue
LB 776	Natural Resources
LB 777	Judiciary
LB 778	Banking, Commerce and Insurance
LB 779	Judiciary
LB 780	Judiciary
LB 781	Revenue
LB 782	Judiciary
LB 783	Natural Resources
LB 784	Judiciary
LB 785	General Affairs
LB 786	Government, Military and Veterans Affairs
LB 787	Government, Military and Veterans Affairs
LB 788	Government, Military and Veterans Affairs
LB 789	Transportation and Telecommunications
LB 790	Health and Human Services
LB 791	Revenue
LB 792	Natural Resources
LB 793	Judiciary
LB 794	Judiciary
LB 795	Education
LB 796	Transportation and Telecommunications
LB 797	Education
LB 798	Revenue
LB 799	Judiciary
LB 800	Transportation and Telecommunications
LB 801	Transportation and Telecommunications
LB 802	Judiciary
LB 803	Education
LB 804	Revenue
LB 805	Natural Resources
LB 806	Revenue
LB 807	Revenue

LB 808	Revenue
LB 809	Revenue
LB 810	Revenue
LB 811	Revenue
LB 812	Revenue
LB 813	Revenue
LB 814	Revenue
LB 815	Transportation and Telecommunications
LB 816	Transportation and Telecommunications
LB 817	Government, Military and Veterans Affairs
LB 818	Natural Resources
LB 819	Banking, Commerce and Insurance
LB 820	Natural Resources
LB 821	Education
LB 822	Natural Resources
LB 823	Judiciary
LB 824	Judiciary
LB 825	Judiciary
LB 826	Judiciary
LB 827	Business and Labor
LB 828	Banking, Commerce and Insurance
LB 829	Revenue
LB 830	Education
LB 831	Revenue
LB 832	Transportation and Telecommunications
LB 833	Health and Human Services
LB 834	Agriculture
LB 835	Education
LB 836	Revenue
LB 837	Transportation and Telecommunications
LB 838	Health and Human Services
LB 839	Education
LB 840	Revenue
LB 841	Judiciary
LB 842	Judiciary
LB 843	Business and Labor
LB 844	Health and Human Services
LB 845	General Affairs
LB 846	Health and Human Services
LB 847	Government, Military and Veterans Affairs
LB 848	Natural Resources
LB 849	Revenue
LB 850	Urban Affairs
LB 851	Appropriations
LB 852	Appropriations
LB 853	Transportation and Telecommunications
LB 854	Health and Human Services
LB 855	Agriculture
LB 856	Agriculture

LB 857 Revenue
LB 858 Revenue
LB 859 Transportation and Telecommunications

LR 253CA Education
LR 254CA Judiciary

Acklie, Duane W. - State Highway Commission - Transportation and Telecommunications

Acklie, Gene - Board of Public Roads Classifications and Standards - Transportation and Telecommunications

Bade, Eugene - Nebraska Power Review Board - Natural Resources

Bair, Michael - Environmental Quality Council - Natural Resources

Balthazor, Ronald - Board of Emergency Medical Services - Health and Human Services

Beins, Bruce - Board of Emergency Medical Services - Health and Human Services

Bergstraesser, Edwin - State Electrical Board - General Affairs

Blake, William - Commission of Industrial Relations - Business and Labor

Blum, Vaughn - Environmental Quality Council - Natural Resources

Borgmann, Charles A. - Nebraska Motor Vehicle Industry Licensing Board - Transportation and Telecommunications

Bradley, Lawrence - Environmental Quality Council - Natural Resources

Broderick, Linda - State Foster Care Review Board - Health and Human Services

Bromm, Vicki - Nebraska Arts Council - General Affairs

Brown, Larry - State Foster Care Review Board - Health and Human Services

Burger, G. Pete - Commission of Industrial Relations - Business and Labor

Camerer, Glenn - Public Employees Retirement Board - Nebraska Retirement Systems

Christensen, Richard - State Emergency Response Commission - Government, Military and Veterans Affairs

Citta, Joseph, Jr. - Environmental Quality Council - Natural Resources

Cole-Mossman, Jennie - Child Abuse Prevention Fund Board - Health and Human Services

Coleman, Janet - State Board of Health - Health and Human Services

Cotton, Rosalyn R. - Board of Parole - Judiciary

Czaplewski, Mark - Environmental Quality Council - Natural Resources

Davis, Dick - Coordinating Commission for Postsecondary Education - Education

Devaney, James - Commission for the Deaf and Hard of Hearing - Health and Human Services

Doyle, John W. - Board of Emergency Medical Services - Health and Human Services

Gangwish, Rod - Environmental Quality Council - Natural Resources

Gibson, Joan - Nebraska Arts Council - General Affairs

Gilmore, Marquis Reed - Oil and Gas Conservation Commission - Natural Resources

Glen, Lucinda - State Personnel Board - Government, Military and Veterans Affairs

Gomez, Miguel - Board of Parole - Judiciary

Gordon, James - State Foster Care Review Board - Health and Human Services

Grell, Allen - State Emergency Response Commission - Government, Military and Veterans Affairs

Griffin, Michael - Environmental Quality Council - Natural Resources

Hakel, Dan - Board of Emergency Medical Services - Health and Human Services

Hall, Robert - Environmental Quality Council - Natural Resources

Hallberg, David - Nebraska Ethanol Board - Natural Resources

Harris, Marilyn - Coordinating Commission for Postsecondary Education - Education

Heiden, Linda - State Board of Health - Health and Human Services

Hofbauer, Tim - State Emergency Response Commission - Government, Military and Veterans Affairs

Hopp, Russell - State Board of Health - Health and Human Services

Jacobson, Julie - Nebraska Arts Council - General Affairs

Jenkins, James - Nebraska Ethanol Board - Natural Resources

Karl, Jamie - Climate Assessment Response Committee - Agriculture

Karl, Jamie - Nebraska Railway Council - Transportation and Telecommunications

Keegan, Barbara - Board of Public Roads Classifications and Standards - Transportation and Telecommunications

Kelly, Robert - Nebraska Railway Council - Transportation and Telecommunications

Kingsbury, John - State Highway Commission - Transportation and Telecommunications

Klein, Gene - State Foster Care Review Board - Health and Human Services

Koozer, Robin - Nebraska Arts Council - General Affairs

Kristensen, Doug - Nebraska Information Technology Commission - Transportation and Telecommunications

Leafgreen, Douglas - State Highway Commission - Transportation and Telecommunications

List, Pamela - State Board of Health - Health and Human Services

Lovgren, Linda - Nebraska State Fair Board - Agriculture

Lux, Dean - Board of Public Roads Classifications and Standards - Transportation and Telecommunications

Maaske, Julie - State Emergency Response Commission - Government, Military and Veterans Affairs

Maginn, John - Nebraska Investment Council - Nebraska Retirement

Systems

McGinn, Joellen - State Foster Care Review Board - Health and Human Services

Meter, Judy - State Foster Care Review Board - Health and Human Services

Mueller, Cory - State Electrical Board - General Affairs

Oltman, Nancy - Commission for the Blind and Visually Impaired - Health and Human Services

Pankoke, Mary Jo - State Foster Care Review Board - Health and Human Services

Park, Janie C. - Nebraska Information Technology Commission - Transportation and Telecommunications

Peetz, John - State Fair Board - Agriculture

Pinkerton, Mark - Game and Parks Commission - Natural Resources

Reamer, Roger - State Board of Health - Health and Human Services

Reimers, Mark - State Emergency Response Commission - Government, Military and Veterans Affairs

Sandstrom, Robert - State Board of Health - Health and Human Services

Scalora, Mario - State Foster Care Review Board - Health and Human Services

Schaefer, Joann - Chief Medical Officer and Director of Regulation and Licensure - Health and Human Services

Schenck, Gerald - State Foster Care Review Board - Health and Human Services

Scurfield, Georgina - State Foster Care Review Board - Health and Human Services

Shannon, Michael - Nebraska Railway Council - Transportation and Telecommunications

Siedschlag, Michael - Nebraska Power Review Board - Natural Resources

Snyder, Val - Board of Emergency Medical Services - Health and Human Services

Sonntag, Thomas - Oil and Gas Conservation Commission - Natural Resources

Sorensen, Ron - Behavioral Health Administrator - Health and Human Services

Spry, Leslie - State Board of Health - Health and Human Services

Strand, James - Coordinating Commission for Postsecondary Education - Education

Surber, George Tom - Board of Emergency Medical Services - Health and Human Services

Taylor, Kenya - Commission for the Deaf and Hard of Hearing - Health and Human Services

Tessman, Brian - State Personnel Board - Government, Military and Veterans Affairs

Thompson, Art - Nebraska Arts Council - General Affairs

Wagner, Angela - Child Abuse Prevention Fund Board - Health and Human Services

Walla, Darrell - Commission for the Blind and Visually Impaired - Health and Human Services

Ward, Charles - Board of Educational Lands and Funds - Education

Warnes, William - Tax Equalization and Review Commission - Revenue

Wassinger, Richard - Public Employees Retirement Board - Nebraska Retirement Systems

Watson, Kathleen - Nebraska Arts Council - General Affairs

Whitehead, Mark - Environmental Quality Council - Natural Resources

Williams, Burrell - State Foster Care Review Board - Health and Human Services

Wills, Daryl - State Board of Health - Health and Human Services

Wolford, Greg - State Highway Commission - Transportation and Telecommunications

Yonkey, Arthur - Board of Public Roads Classifications and Standards - Transportation and Telecommunications

Zeiger, Ronald - Environmental Quality Council - Natural Resources

Zuhlke, Alden - Environmental Quality Council - Natural Resources

(Signed) Pat Engel, Chairperson
Legislative Council, Executive Board

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 860. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to educational service units; to amend section 79-1221, Reissue Revised Statutes of Nebraska; to change provisions relating to treasurers' surety; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 861. Introduced by Howard, 9; Cornett, 45.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-3,104, and 60-3,159, Revised Statutes Supplement, 2005; to provide for resident home-on-leave license plates; to provide fees; to provide for prorating motor vehicle registration fees for certain residents; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 862. Introduced by Howard, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services Finance and Support for alcohol-related birth defects prevention programs.

LEGISLATIVE BILL 863. Introduced by Howard, 9.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-320.01, Revised Statutes Cumulative Supplement, 2004; to increase penalties for sexual assault of a child; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 864. Introduced by Howard, 9.

A BILL FOR AN ACT relating to insurance; to prohibit preexisting condition exclusions relating to pregnancy.

LEGISLATIVE BILL 865. Introduced by Howard, 9.

A BILL FOR AN ACT relating to teachers and administrators; to amend

section 79-807, Reissue Revised Statutes of Nebraska; to require the creation of a specified early childhood education endorsement; to require state institutions of higher education to offer a unified teaching endorsement; to specify requirements; to state duties; to clarify coursework and student teaching requirements; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 866. Introduced by Howard, 9.

A BILL FOR AN ACT relating to child care; to amend section 43-2606, Reissue Revised Statutes of Nebraska, and section 71-1916, Revised Statutes Cumulative Supplement, 2004; to require review of rules and regulations as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 867. Introduced by Howard, 9.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2004; to prohibit a sex offender from residing near a school or licensed child care center as prescribed; to provide a penalty; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 868. Introduced by Mines, 18.

A BILL FOR AN ACT relating to the State Real Estate Commission; to amend sections 81-885.07, 81-885.17, and 81-885.24, Reissue Revised Statutes of Nebraska; to change the membership of the commission to reflect the current congressional districts; to change procedures relating to licenses; to provide additional requirements relating to unfair trade practices; and to repeal the original sections.

LEGISLATIVE BILL 869. Introduced by Byars, 30.

A BILL FOR AN ACT relating to intermediate care facilities for the mentally retarded; to amend section 68-1804, Revised Statutes Cumulative Supplement, 2004; to provide for reimbursements as prescribed; to change allocations from a fund; and to repeal the original section.

LEGISLATIVE BILL 870. Introduced by Schrock, 38; Wehrbein, 2.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-15,160, Revised Statutes Cumulative Supplement, 2004; to change and eliminate scrap tire grant provisions; to repeal the original section; and to outright repeal section 81-1504.03, Revised Statutes Cumulative Supplement, 2004.

LEGISLATIVE BILL 871. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Integrated Solid Waste Management

Act; to amend sections 13-2034 and 13-2036, Reissue Revised Statutes of Nebraska; to change provisions relating to permits as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 872. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend section 81-1505, Revised Statutes Cumulative Supplement, 2004, and section 81-1505.04, Revised Statutes Supplement, 2005; to change provisions relating to emissions trading programs; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 873. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3006 and 2-3007, Reissue Revised Statutes of Nebraska, and sections 2-3002, 2-3003, and 2-3005, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to poultry disease control; to state intent; and to repeal the original sections.

LEGISLATIVE BILL 874. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to agriculture; to amend section 2-2651, Reissue Revised Statutes of Nebraska, and sections 2-15,122, 2-2624, 2-2626, 2-2627, 2-2629, 2-2634, 2-2636, 2-2638, 2-2639, 2-2641, 2-2643.03, 2-2646, and 2-2649, Revised Statutes Cumulative Supplement, 2004; to change provisions of the Pesticide Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 875. Introduced by Banking, Commerce and Insurance Committee: Mines, 18, Chairperson; Flood, 19; Jensen, 20; Johnson, 37; Langemeier, 23; Louden, 49; Pahls, 31; Redfield, 12.

A BILL FOR AN ACT relating to insurance; to amend sections 44-1602, 44-4902, 44-4903, 44-4904, 44-4906, 44-4907, and 44-7513, Reissue Revised Statutes of Nebraska, and section 44-3,157, Revised Statutes Supplement, 2005; to change provisions relating to mandated coverages and services, premium payments, the Managing General Agents Act, form filings, and bonds; to adopt the Nebraska Senior Protection in Annuity Transactions Act; to eliminate provisions relating to the Interstate Insurance Receivership Compact; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 44-6501, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 876. Introduced by Banking, Commerce and Insurance Committee: Mines, 18, Chairperson; Flood, 19; Jensen, 20; Johnson, 37; Langemeier, 23; Louden, 49; Pahls, 31; Redfield, 12.

A BILL FOR AN ACT relating to banking and finance; to amend sections

8-179, 45-701, 45-702, 45-709, 45-714, 45-717, 45-717.01, and 45-1007, Reissue Revised Statutes of Nebraska, sections 8-141, 8-178, 8-1001.01, 8-1008, 8-1010, and 8-1012, Revised Statutes Cumulative Supplement, 2004, and sections 8-1,140, 8-355, 21-17,115, 45-706, and 45-707, Revised Statutes Supplement, 2005; to change provisions relating to state-chartered bank loan limits; to change provisions relating to the reorganization of nationally-chartered banks as state-chartered banks; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change and provide enforcement powers and procedures under the Nebraska Sale of Checks and Funds Transmission Act; to change provisions, provide enforcement powers and procedures, and change administrative fines under the Mortgage Bankers Registration and Licensing Act; to eliminate obsolete provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 877. Introduced by Banking, Commerce and Insurance Committee: Mines, 18, Chairperson; Flood, 19; Jensen, 20; Johnson, 37; Langemeier, 23; Louden, 49; Pahls, 31; Redfield, 12.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-148.04, Reissue Revised Statutes of Nebraska; to change community development investment conditions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 878. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to insurance; to amend section 44-784, Reissue Revised Statutes of Nebraska; to change a provision relating to coverage for childhood immunizations; and to repeal the original section.

LEGISLATIVE BILL 879. Introduced by Schimek, 27; Byars, 30; Combs, 32; Price, 26.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-493, 60-494, 60-4,117, 60-4,151, and 60-4,181, Reissue Revised Statutes of Nebraska, and sections 60-484 and 60-4,144, Revised Statutes Supplement, 2005; to provide for notation of advance medical directives on motor vehicle operators' licenses and state identification cards; to provide for distribution of brochures on advance medical directives; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 880. Introduced by Flood, 19.

A BILL FOR AN ACT relating to the Special Education Act; to amend section 79-1142, Reissue Revised Statutes of Nebraska; to provide for reimbursement for special education costs for certain students in residential settings as prescribed; and to repeal the original section.

LEGISLATIVE BILL 881. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to the Special Education Act; to amend sections 79-1110, 79-1132, 79-1142, 79-1144, and 79-1145, Reissue Revised Statutes of Nebraska; to provide for funding for high-needs special education students; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 882. Introduced by Johnson, 37.

A BILL FOR AN ACT relating to the Radiation Control Act; to amend sections 71-3505, 71-3507, 71-3515.01, 71-3515.02, 71-3516, and 71-3517, Reissue Revised Statutes of Nebraska, and sections 71-3503 and 71-3519, Revised Statutes Supplement, 2005; to redefine terms; to provide for licensure of medical radiographers restricted to computed tomography; to change licensure requirements and department duties; to eliminate obsolete provisions; to provide for disposition of an impounded source of radiation; to change the disposition of civil penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 883. Introduced by Kopplin, 3; Cornett, 45; Langemeier, 23; Dw. Pedersen, 39; Preister, 5; Thompson, 14; Wehrbein, 2.

A BILL FOR AN ACT relating to the County Industrial Sewer Construction Act; to amend sections 23-3601, 23-3602, 23-3603, 23-3604, 23-3605, 23-3614, 23-3616, 23-3618, 23-3620, 23-3625, 23-3626, 23-3628, 23-3630, and 23-3636, Reissue Revised Statutes of Nebraska, and sections 23-3637 and 81-15,149, Revised Statutes Cumulative Supplement, 2004; to rename the act; to provide for residential sewerage development; to eliminate provisions relating to the connection of lots and the urbanizing area planning commission; to repeal the original sections; and to outright repeal sections 23-3629, 23-3631, 23-3632, 23-3633, 23-3634, and 23-3635, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 884. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Health and Human Services System; to amend section 81-3007.01, Reissue Revised Statutes of Nebraska, and section 81-3009, Revised Statutes Cumulative Supplement, 2004; to eliminate the position of Policy Secretary; to harmonize provisions; to repeal the original sections; and to outright repeal section 81-3008, Revised Statutes Cumulative Supplement, 2004.

LEGISLATIVE BILL 885. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to offenses against animals; to amend section 28-1012, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to the impoundment of animals; and to repeal the original section.

LEGISLATIVE BILL 886. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to child custody; to amend section 42-364, Reissue Revised Statutes of Nebraska; to authorize trial by jury for custody cases; and to repeal the original section.

LEGISLATIVE BILL 887. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.14 and 77-2701.43, Reissue Revised Statutes of Nebraska, and sections 13-324, 77-2712.05, and 77-27,143, Revised Statutes Supplement, 2005; to change provisions relating to sales and use tax; to change provisions relating to the streamlined sales and use tax agreement; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 888. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-5544, Reissue Revised Statutes of Nebraska, and sections 77-2717, 77-5719, 77-5723, 77-5725, and 77-5727, Revised Statutes Supplement, 2005; to change provisions relating to tax incentive programs; and to repeal the original sections.

LEGISLATIVE BILL 889. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-164.01 and 53-165, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to reports; to harmonize provisions; to repeal the original sections; and to outright repeal section 53-167.04, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 890. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1028, Revised Statutes Supplement, 2005; to permit school districts to exceed the applicable allowable growth rate as prescribed; and to repeal the original section.

LEGISLATIVE BILL 891. Introduced by Combs, 32; Brown, 6; Price, 26.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Hepatitis C Education and Prevention Act; and to declare an emergency.

LEGISLATIVE BILL 892. Introduced by Stuthman, 22; Jensen, 20; Johnson, 37.

A BILL FOR AN ACT relating to the Child Care Licensing Act; to amend sections 71-1910, 71-1911, and 71-1911.02, Revised Statutes Supplement,

2004; to redefine a term; to change provisions relating to provision of care and applications as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 893. Introduced by Kremer, 34; Aguilar, 35; Johnson, 37; McDonald, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-518, Revised Statutes Supplement, 2005; to modify the definition of allowable growth for budgetary purposes; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 894. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to presidential electors; to amend sections 32-710, 32-714, and 32-1038, Reissue Revised Statutes of Nebraska; to change provisions relating to selection and obligations of presidential electors; and to repeal the original sections.

LEGISLATIVE BILL 895. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to commercial drivers' licenses; to amend sections 60-4,139 and 60-4,142, Reissue Revised Statutes of Nebraska, and sections 60-462 and 60-465, Revised Statutes Supplement, 2005; to create an exception for military personnel; to authorize operation of a commercial motor vehicle by holders of licenses from certain jurisdictions; to change provisions relating to LPC-learner's permits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 896. Introduced by Preister, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 2005; to provide a renewable energy tax credit; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 897. Introduced by Preister, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Supplement, 2005; to provide a sales tax exemption for energy efficient products and related labor; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 898. Introduced by Preister, 5.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend sections 84-1410, 84-1411, 84-1412, and 84-1414, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to closed sessions; to provide for detailed agendas; to change provisions relating to public bodies; and to repeal the original sections.

LEGISLATIVE BILL 899. Introduced by Preister, 5.

A BILL FOR AN ACT relating to the Public Counsel; to amend sections 81-8,240, 81-8,244, 81-8,245, 81-8,246, 81-8,247, 81-8,248, 81-8,249, 81-8,250, 81-8,251, 81-8,252, and 81-8,254, Reissue Revised Statutes of Nebraska; to redefine a term; to provide powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 900. Introduced by Preister, 5.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend section 84-1409, Revised Statutes Cumulative Supplement, 2004; to redefine a public body; and to repeal the original section.

LEGISLATIVE BILL 901. Introduced by Preister, 5.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-1513, Reissue Revised Statutes of Nebraska; to change procedures for the granting of variances from Department of Environmental Quality rules or regulations; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 902. Introduced by Preister, 5.

A BILL FOR AN ACT relating to public contracts for services; to amend sections 73-501, 73-502, 73-504, 73-506, 73-507, and 81-154.01, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to certain contracts for services; to harmonize provisions; to repeal the original sections; and to outright repeal sections 73-301, 73-302, 73-303, 73-304, 73-305, 73-306, 73-307, and 73-509, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 903. Introduced by Preister, 5; Cornett, 45.

A BILL FOR AN ACT relating to state institutions; to amend sections 80-315 and 83-107.01, Reissue Revised Statutes of Nebraska, and section 81-1316, Revised Statutes Cumulative Supplement, 2004; to rename a veteran's home; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 904. Introduced by Baker, 44; Brown, 6; Connealy, 16; Cornett, 45; Fischer, 43; Janssen, 15; Louden, 49; Smith, 48.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Reissue Revised Statutes of Nebraska; to change distribution of certain sales and use tax proceeds; and to repeal the original section.

LEGISLATIVE BILL 905. Introduced by Baker, 44.

A BILL FOR AN ACT relating to motor carriers; to prohibit certain exculpatory clauses in motor carrier transportation contracts.

LEGISLATIVE BILL 906. Introduced by Price, 26.

A BILL FOR AN ACT relating to the Contractor Registration Act; to amend sections 48-2101, 48-2102, 48-2104, 48-2105, 48-2106, 48-2110, and 48-2114, Reissue Revised Statutes of Nebraska; to change applicability of the act; to provide for a surety bond as prescribed; to change administrative penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 907. Introduced by Price, 26.

A BILL FOR AN ACT relating to fire protection districts; to amend section 35-514, Reissue Revised Statutes of Nebraska; to change provisions relating to payment of outstanding obligations of annexed rural or suburban fire protection districts; and to repeal the original section.

LEGISLATIVE BILL 908. Introduced by Price, 26.

A BILL FOR AN ACT relating to the Radiation Control Act; to amend section 71-3508, Reissue Revised Statutes of Nebraska; to provide an exemption for advanced practice registered nurses as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 909. Introduced by Price, 26.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-601 and 60-605, Reissue Revised Statutes of Nebraska; to prohibit driving in a passing lane as prescribed; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 910. Introduced by Redfield, 12; Erdman, 47.

A BILL FOR AN ACT relating to eminent domain; to amend sections 13-1101, 18-2103, 58-209.01, and 76-701, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide restrictions on the use of eminent domain; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 911. Introduced by Jensen, 20; Kruse, 13.

A BILL FOR AN ACT relating to alcoholic liquor; to amend section 53-160, Reissue Revised Statutes of Nebraska; to change provisions relating to the gallonage tax; and to repeal the original section.

LEGISLATIVE BILL 912. Introduced by Schrock, 38; Burling, 33; Byars, 30; Combs, 32; Cunningham, 40; Erdman, 47; Flood, 19; Heidemann, 1; Hudkins, 21; Kremer, 34; Langemeier, 23; McDonald, 41; Smith, 48; Stuhr, 24; Stuthman, 22; Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Supplement, 2005; to exempt agricultural personal property from property taxation; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 913. Introduced by Cunningham, 40; Burling, 33; Combs, 32; Kremer, 34.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-602 and 48-628, Revised Statutes Supplement, 2005; to define a term; to change a condition of disqualification for benefits; and to repeal the original sections.

LEGISLATIVE BILL 914. Introduced by Aguilar, 35; Bourne, 8; Combs, 32; Erdman, 47; Flood, 19; Friend, 10; Howard, 9; Mines, 18; Pahls, 31; Preister, 5.

A BILL FOR AN ACT relating to controlled substances; to amend section 28-401.01, Revised Statutes Supplement, 2005; to provide for restitution for cleanup and rehabilitation of clandestine laboratories; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 915. Introduced by Aguilar, 35; Bourne, 8; Combs, 32; Erdman, 47; Flood, 19; Friend, 10; Howard, 9; Mines, 18; Pahls, 31; Preister, 5.

A BILL FOR AN ACT relating to public health; to define terms; to provide for standards and procedures for rehabilitation of clandestine drug lab sites; and to provide duties.

LEGISLATIVE BILL 916. Introduced by Kremer, 34; Baker, 44; Fischer, 43; Wehrbein, 2.

A BILL FOR AN ACT relating to the Competitive Livestock Markets Act; to amend section 54-2601, Reissue Revised Statutes of Nebraska, and section 54-2603, Revised Statutes Cumulative Supplement, 2004; to state findings; to provide duties for the Director of Agriculture; to provide applicability provisions; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 917. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to financial information; to adopt the Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006.

LEGISLATIVE BILL 918. Introduced by Mines, 18.

A BILL FOR AN ACT relating to financial privacy; to adopt the Personal

Information Privacy Act.

LEGISLATIVE BILL 919. Introduced by Smith, 48.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-421 and 37-421.01, Revised Statutes Supplement, 2005; to provide for discounted combination hunting and fishing permits for persons in military service; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 920. Introduced by Schimek, 27; Chambers, 11.

A BILL FOR AN ACT relating to the Governor; to amend section 84-101.01, Revised Statutes Cumulative Supplement, 2004; to change the salary of the Governor; and to repeal the original section.

LEGISLATIVE BILL 921. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend sections 81-1108.01, 81-1116, 81-1117.02, 81-1120.16, 81-1120.23, 84-1205.01, and 84-1228, Reissue Revised Statutes of Nebraska, sections 81-1108, 81-1117, 81-1120.02, 81-1120.03, 86-407, 86-461, 86-519, 86-521, 86-522, 86-523, 86-527, 86-539, 86-551, 86-555, 86-556, 86-557, 86-563, 86-564, 86-568, and 86-570, Revised Statutes Cumulative Supplement, 2004, and section 81-1423, Revised Statutes Supplement, 2005; to provide duties for the Chief Information Officer relating to oversight of the division of communications and the information management services division; to redefine terms; to eliminate powers and duties and obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 922. Introduced by Fischer, 43; Aguilar, 35; Bourne, 8; Burling, 33; Byars, 30; Combs, 32; Connealy, 16; Cornett, 45; Cudaback, 36; Cunningham, 40; Erdman, 47; Flood, 19; Friend, 10; Howard, 9; Hudkins, 21; Janssen, 15; Kremer, 34; Kruse, 13; Louden, 49; McDonald, 41; Pahls, 31; Dw. Pedersen, 39; Redfield, 12; Smith, 48; Stuhr, 24; Stuthman, 22; Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for state aid to counties.

LEGISLATIVE BILL 923. Introduced by Fischer, 43; Bourne, 8; Byars, 30; Combs, 32; Connealy, 16; Cornett, 45; Cudaback, 36; Cunningham, 40; Friend, 10; Hudkins, 21; Janssen, 15; Kremer, 34; Kruse, 13; Louden, 49; McDonald, 41; Pahls, 31; Dw. Pedersen, 39; Smith, 48; Stuhr, 24; Stuthman, 22.

A BILL FOR AN ACT relating to counties; to amend sections 47-119.01 and 77-3618, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to proration of certain payments to counties; and to repeal the

original sections.

LEGISLATIVE BILL 924. Introduced by Fischer, 43; Baker, 44; Burling, 33; Combs, 32; Cudaback, 36; Cunningham, 40; Erdman, 47; Flood, 19; Heidemann, 1; Hudkins, 21; Kremer, 34; Louden, 49; McDonald, 41; Dw. Pedersen, 39; Schrock, 38; Smith, 48; Stuhr, 24; Stuthman, 22; Wehrbein, 2.

A BILL FOR AN ACT relating to real property; to amend sections 18-2103, 18-2123, and 76-701, Reissue Revised Statutes of Nebraska; to change provisions of the Community Development Law; to provide restrictions on the use of eminent domain; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 925. Introduced by Friend, 10; Erdman, 47; Kruse, 13.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 60-498.02, 60-601, 60-696, 60-698, 60-6,197.06, 60-6,197.08, and 60-6,210, Reissue Revised Statutes of Nebraska, section 28-306, Revised Statutes Cumulative Supplement, 2004, and sections 60-697, 60-6,197.02, and 60-6,197.03, Revised Statutes Supplement, 2005; to change provisions relating to motor vehicle accident scenes, administrative license revocation, and admissibility of blood tests; to change penalty provisions for motor vehicle homicide and driving under the influence as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 926. Introduced by Mines, 18.

A BILL FOR AN ACT relating to the Nebraska Trust Deeds Act; to amend section 76-1011, Reissue Revised Statutes of Nebraska, and sections 76-1006, 76-1007, 76-1008, 76-1010, and 76-1012, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to the sale of trust property; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 927. Introduced by Mines, 18.

A BILL FOR AN ACT relating to secured transactions; to amend sections 9-705 and 9-707, Uniform Commercial Code, Reissue Revised Statutes of Nebraska; to change provisions relating to the effectiveness of certain security interest actions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 928. Introduced by Mines, 18.

A BILL FOR AN ACT relating to the Nebraska Uniform Trust Code; to amend section 30-3867, Revised Statutes Supplement, 2005; to change provisions relating to compensation of trustees; to repeal the original section; and to declare and emergency.

LEGISLATIVE BILL 929. Introduced by Mines, 18.

A BILL FOR AN ACT relating to financing; to amend sections 45-335, 45-336, and 45-1002, Reissue Revised Statutes of Nebraska, and section 45-1024, Revised Statutes Supplement, 2005; to change provisions relating to installment sales and loans; to define terms; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 930. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to water; to establish a water conservation fee; to create a fund; and to provide for use of the revenue collected.

LEGISLATIVE BILL 931. Introduced by Beutler, 28; Brown, 6; Johnson, 37; Kopplin, 3; Kruse, 13; Landis, 46; Price, 26; Raikes, 25; Schimek, 27; Thompson, 14.

A BILL FOR AN ACT relating to the Nebraska Cultural Preservation Endowment Fund; to amend sections 82-331 and 82-332, Reissue Revised Statutes of Nebraska; to appropriate funds; to state intent; and to repeal the original sections.

LEGISLATIVE BILL 932. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to theft; to amend sections 28-516 and 28-518, Reissue Revised Statutes of Nebraska; to change penalty provisions for certain offenses involving propelled vehicles or vehicle fuels; and to repeal the original sections.

LEGISLATIVE BILL 933. Introduced by Natural Resources Committee: Schrock, 38, Chairperson; Hudkins, 21; Kopplin, 3; Kremer, 34; McDonald, 41; Stuhr, 24.

A BILL FOR AN ACT relating to natural resources; to amend sections 46-229.02, 46-229.03, 46-229.04, 46-290, 46-291, 46-294.01, 46-2,112, 46-2,136, 46-602, 46-655.01, 46-683, 46-691.03, 46-706, 46-719, 46-740, and 61-205, Reissue Revised Statutes of Nebraska, and sections 2-1588 and 2-3240, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to a development fund, applications to districts, use, nonuse, transfer, or change of water appropriations, instream flow appropriation permits, the Water Policy Task Force, water well registration, public water supplier wellfields, industrial ground water withdrawal permits, transfers and allocation of ground water, the duties of the Interrelated Water Review Board, and the powers of the Department of Natural Resources; to redefine terms; to harmonize provisions; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 255. Introduced by Howard, 9; Bourne, 8.

WHEREAS, the United States Department of Education's 2005 Blue Ribbon School Award recognizes public and private schools that have shown significant progress in closing the achievement gap among students or whose students achieve at very high levels;

WHEREAS, the foundation for Nebraska's future is an excellent public education system for all children;

WHEREAS, Principal Virginia Bowers, teachers, staff, parents, and students of Dundee Elementary School have made the commitment to excellence in education and ensuring that no child is left behind;

WHEREAS, United States Secretary of Education Margaret Spellings announced that Dundee Elementary School in the Omaha Public School District has been named as a 2005 Blue Ribbon School for ranking in the top ten percent of schools in Nebraska while serving at least forty percent of students from disadvantaged backgrounds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Dundee Elementary School for the national honor of being named a 2005 Blue Ribbon School.

2. That the Clerk of the Legislature send a copy of this resolution to Virginia Bowers, Principal of Dundee Elementary School, and a copy to the Omaha Public Schools Board of Education.

Laid over.

LEGISLATIVE RESOLUTION 256. Introduced by Stuthman, 22.

WHEREAS, the defending Class D-1 girls' state volleyball champion Humphrey St. Francis High School volleyball team won the 2005 Class D-1 State Volleyball Tournament with a three games to one victory over Freeman; and

WHEREAS, the team won twenty-five of twenty-seven matches played this season; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Humphrey St. Francis High School volleyball team be congratulated for their exemplary effort this season and in the State High School Volleyball Tournament.

2. That a copy of this resolution be sent to Coach Dean Korus.

Laid over.

LEGISLATIVE RESOLUTION 257. Introduced by Stuthman, 22.

WHEREAS, the Columbus Scotus High School volleyball team won the 2005 Class C-1 State Volleyball Tournament with a three games to one victory over Lincoln Lutheran High School; and

WHEREAS, this championship is the team's eleventh, which is a state record; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Columbus Scotus High School volleyball team be congratulated for their exemplary effort this season and in the State High School Volleyball Tournament.

2. That a copy of this resolution be sent to Coach John Petersen.

Laid over.

LEGISLATIVE RESOLUTION 258. Introduced by Stuthman, 22.

WHEREAS, the defending Class D-1 state football champion Howells High School football team won its sixth consecutive championship with a 46-6 win over Axtell; and

WHEREAS, this championship ties the state record for consecutive state football championships; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Howells High School football team be congratulated for their exemplary effort this season and in the State High School Football Tournament.

2. That a copy of this resolution be sent to Coach Mike Speirs.

Laid over.

LEGISLATIVE RESOLUTION 259CA. Introduced by McDonald, 41; Kopplin, 3; Wehrbein, 2.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or

requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first ~~five hundred thousand~~ one million dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

(iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to increase the amount of state lottery proceeds to be distributed to the Compulsive Gamblers Assistance Fund.
For
Against.

Referred to the Reference Committee.

VISITOR

The Doctor of the Day was Dr. Dale Michels from Lincoln.

ADJOURNMENT

At 12:09 p.m., on a motion by Senator Wehrbein, the Legislature adjourned until 11:00 a.m., Friday, January 6, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

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THIRD DAY - JANUARY 6, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 6, 2006

PRAYER

The prayer was offered by Senator Engel.

ROLL CALL

Pursuant to adjournment, the Legislature met at 11:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Bourne who was excused; and Senators Aguilar, Combs, Cunningham, Heidemann, Landis, Preister, and Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the second day was approved.

REPORTS

The following reports were received by the Legislature:

Public Counsel/Ombudsman
2004 Thirty-fourth Annual Report
Research Division, Legislative
Performance Audit Committee Annual Report
Revenue, Department of
Charitable Gaming Division 2005 Annual Report
Southeast Community College
Report on Financial Condition of the Center

**2005 INTERIM REPORT
ON THE DISPOSITION OF
INTERIM STUDY RESOLUTIONS**

Agriculture

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
106	Animal Damage Control		X	
107	Division Fences		X	
108	Animal Identification		X	
135	Grain Licensee Security		X	
160	Warehouse Financing			X
242	Agriculture Issues			X

Appropriations

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
137	Interim study to explore the need to find a dependable funding source for capital construction and renovation projects for higher education and state government		X	
197	Interim study of the salary structure of parole officers	X		
202	Interim study to provide information on patterns of spending by government agencies		X	
218	Interim study to determine costs of establishing higher education programs for foreign students		X	

Banking, Commerce and Insurance

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
149	Interim study to examine health plan coverage and payments under state benefit programs		X	
183	Interim study to examine the Motor Vehicle Service Contract Reimbursement Insurance Act		X	
101	Interim study to examine issues relating to the Uniform Trust Code		X	

206	Interim study of the concept of an "any willing provider" relating to prescription benefit programs		X	
214	Interim study of issues relating to motor vehicle liability insurance and financial responsibility requirements		X	

Business and Labor

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
86	Interim study to examine the Workplace Safety Consultation Program and possible funding mechanisms			X
117	Interim study to examine employee wage collection after the close of each pay period		X	
146	Interim study of the workers' compensation program to determine whether changes in benefits or procedures are warranted			X
147	Interim study to examine the Workplace Safety Consultation Program			X
148	Interim study to determine policy issues of exempt agriculture producers and penalty provisions under the Workers' Compensation Act		X	
173	Interim study of the statutes regarding claims brought forth under the annual state claims bill			X
215	Interim study to examine issues raised by LB 608 and determine whether mold is a serious issue that affects the health and public safety of citizens		X	

Education

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
74	Interim study to determine the potential need for social workers to be placed as staff in public			X

	schools			
109	Interim study to determine the feasibility of a policy to prohibit bullying behavior in public schools			X
155	Interim study to examine calculations under the Tax Equity and Educational Opportunities Support Act			X
174	Interim study to explore the need of institutions of higher education to attract and retain outstanding faculty through use of publicly funded endowment funds and other means			X
184	Interim study to investigate the reasons for the large increase in the number of school administrators			X
185	Interim study to formulate a plan to implement the option of allowing contract schools to operate within public school districts			X
204	Interim study to examine extracurricular participation by exempt students			X
205	Interim study to provide an analysis of Nebraska's compulsory education laws			X

Executive Board

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
75	Interim study to review key priorities set forth by the LR 174 Task Force regarding the state's system of postsecondary education		X	
105	Interim study to examine rural economic development programs	X		
201	Interim study to conduct a comprehensive review of the committee structure of the standing committees of the Nebraska Legislature			X

General Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
209	Interim study to examine issues related to the state lottery		X	
153	Interim study to examine issuance of retail liquor licenses			X
114	Interim study to examine issues related to cemeteries and cemetery law	X		

Government, Military and Veterans Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
87	Interim study to examine legislation regarding a proof of need pre-process on any state agencies' proposed contracts for services over fifty thousand dollars		X	
99	Interim study to examine issues relating to the extent of the use of governmental entities' geographic computer databases by the public		X	
103	Interim study to examine issues within the jurisdiction of the Government, Military and Veterans Affairs Committee		X	
104	Interim study to examine the current election process for public power districts		X	
112	Interim study to examine use of agreements by political subdivisions under the Interlocal Cooperation Act or the Joint Public Agency Act		X	
172	Interim study to examine how fees and fines for false home alarms are calculated and imposed		X	
173	Interim study of the statutes regarding claims brought forth under the annual state claims bill			X
190	Interim study to determine whether the Constitution should be amended to increase the membership of the Public Service		X	

	Commission			
203	Interim study to review the ability of counties having a population of less than one thousand persons to provide services required under state law		X	
217	Interim study to examine the nature of the Legislature's oversight role in reviewing state programs and state initiatives and their effectiveness in the international marketplace	X		
226	Interim study to examine Nebraska's county government structure	X		

Health and Human Services

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
69	Interim study to investigate and provide recommendations to address the public health hazards created by methamphetamine labs		X	
79	Interim study to determine the extent to which wards of the Health and Human Services System are being prescribed behavior-modifying medication		X	
113	Interim study to examine the public health and safety issues related to paint ball sports		X	
154	Interim study to examine combining the Board of Barber Examiners and the Board of Cosmetology Examiners		X	
159	Interim study to examine enacting a safe haven law		X	
163	Interim study to examine the misuse of emergency rooms for minor ailments which results in increased health care costs		X	
171	Interim study to review Nebraska's existing system of establishing qualifications for health care translators and interpreters		X	
175	Interim study of the overall		X	

	structure of Nebraska's Low-Income Home Energy Assistance Program (LIHEAP) and potential alternative funding sources			
186	Interim study to examine issues related to the Gamblers Assistance Program		X	
187	Interim study to evaluate the Dept. of Health and Human Services' compliance with the federal Adoption and Safe Families Act of 1997		X	
200	Interim study to identify, fund, and prioritize core responsibilities of the Health and Human Services System		X	
206	Interim study of the concept of an "any willing provider" relating to prescription benefit programs		X	
212	Interim study to examine the public health impact of fetal alcohol spectrum disorders and potential remedies		X	
225	Interim study to examine issues within the jurisdiction of the Health and Human Services Committee		X	

Judiciary

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
221	Interim study to examine substance abuse treatment services to persons abusing methamphetamine including individuals within the criminal justice system		X	
244	Interim study to examine issues relating to the Legislature's ability to regulate the unauthorized practice of law		X	
168	Interim study to examine the need to establish the Office of Public Guardianship within the Supreme Court		X	
181	Interim study to examine ways to improve the state's ability to		X	

	monitor high-risk sex offenders upon their release from state custody			
191	Interim study to examine the extent, nature, and quality of mental health and substance abuse services being provided in Nebraska's correctional system		X	
222	Interim study to examine programs for providing treatment to terminally ill persons incarcerated within institutions under the control of the Dept. of Correctional Services		X	
182	Interim study to analyze Article IV, section 5, of the Constitution relating to the impeachment of civil officers for misdemeanors in office		X	
220	Interim study to examine law regarding training of individuals seeking to obtain a law enforcement certificate		X	
211	Interim study to examine statutes relating to forfeiture of money and property utilized in the commission of drug crimes		X	
145	Interim study to examine parole issues		X	
219	Interim study to examine law regarding providing notice to the public as to the identity and whereabouts of registered sex offenders		X	
167	Interim study to examine the need to redact children's social security numbers and other identifying factors from child support orders in dissolution of marriage decrees		X	
210	Interim study to examine the importance of living wills			X
198	Interim study to review newborn genetic screening privacy laws			X
213	Interim study to examine expanding foster care parent participation in child custody determination hearings			X
179	Interim study of the issue of			X

	dramshop liability			
157	Interim study to examine the statutory scheme regarding enforcement of rental agreements and leases under the Landlord and Tenant Act			X
170	Interim study to examine the statutes relative to condominium conversions			X
158	Interim study of human trafficking in the state			X
169	Interim study to examine the use of contempt actions in child custody and visitation orders		X	

Natural Resources Committee

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
90	Interim study to examine electronic waste recycling including funding mechanisms			X
91	Interim study to examine environmental justice issues			X
92	Interim study to examine implementation of the federal confined animal feeding regulations under the National Pollutant Discharge Elimination System			X
102	Interim study to examine the feasibility, ramifications, and costs of electronic waste recycling			X
119	Interim study to develop a solution to keep downstream improvements from being located in potentially hazardous locations downstream of existing dams			X
120	Interim study to examine the concept of developing special hunting permits for big game		X	
121	Interim study to examine the economic impact of the federal Concentrated Animal Feeding Operations regulations on small and medium sized livestock operations		X	
122	Interim study to examine		X	

	livestock operation transfers			
150	Interim study to examine the eligibility requirements for directors of public power districts		X	
156	Interim study to explore the environmental impact of historical waste disposal at the Agricultural Research and Development Center near Mead			X
166	Interim study to examine uses of and controls on the Nebraska Resources Development Fund		X	
199	Interim study to examine issues relating to requiring ten-percent ethanol in all gasoline sold in Nebraska		X	
104	Interim study to examine the current election process for public power districts		X	

Nebraska Retirement Systems

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
177	Interim study to examine the five public employee retirement systems administered by the Public Employees Retirement Board and funding needs	X		
176	Interim study to examine actuarial and accounting mechanisms that can be utilized in order to resolve or minimize state actuarial contributions	X		
189	Interim study to review the retirement system created under the Class V School Employees Retirement Act	X		
240	Interim study to examine the retirement system created under the Judges Retirement Act	X		
178	Interim study to examine items defined as compensation as each pertains to the School Employees Retirement System		X	

Revenue

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
208	Interim study to continue examination of Nebraska's tax structure compared with the past and with other states	X		
151	Interim study to examine the practices and procedures regarding the collection of delinquent corporate and business taxes		X	
89	Interim study to examine incentives to stimulate development of renewable energy in Nebraska		X	
152	Interim study to examine implementation of a registration process for ATV's to address the issue of noncompliance in remitting sales tax and titling		X	
162	Interim study to examine creation of statutes to allow cities, counties, and other jurisdictional entities to create tax development districts to fund infrastructure development	X		
88	Interim study relating to the exemption of sales tax on United States Postal Service delivery charges for transportation of advertising materials			X
96	Interim study to examine the Internet, telephone, and mail order sale of tobacco products and loss of revenue			X
118	Interim study of issues relating to earmarking of personal property tax revenue from irrigation equipment for natural resources districts			X
134	Interim study to examine fees paid to county treasurers for certain tax collections			X
138	Interim study relating to elimination of personal property tax on agricultural property and			X

	changing agricultural land valuation			

Transportation and Telecommunications

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
68	Interim study of the safety of and potential improvements to the intersections in Nebraska's state highway system			X
136	Interim study to examine the Universal Service Fund		X	
139	Interim study to review laws and regulations including allowable vehicle dimensions, weights, and fees as they pertain to increasing efficiency and commerce			X
140	Interim study to examine issues relating to dissemination or sale of motor vehicle records, personal information, and other citizen information in electronic format			X
141	Interim study to examine issues within the jurisdiction of the Transportation and Telecommunications Committee			X
142	Interim study to examine motor vehicle titling laws regarding the allowable timeframe in which a lienholder must deliver a motor vehicle title after discharge of the lien			X
143	Interim study to examine issues relating to the current state of landline and enhanced wireless 911 service		X	
144	Interim study to investigate the purpose of the Nebraska Telecommunications Universal Service Fund Act and the services currently supported by the fund		X	
161	Interim study to examine trailer licensing statutes			X
164	Interim study to examine a requirement that motor vehicle insurance providers notify the Dept. of Motor Vehicles when a			X

	motorist drops liability insurance			
165	Interim study to analyze federal requirements pertaining to improving security for drivers' licenses and personal identification cards		X	
192	Interim study of the issues surrounding the use of ignition interlock devices for persons convicted of driving under the influence			X
216	Interim study to determine possible legislative action to curb unsolicited bulk electronic mail			X

Urban Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
194	Interim study of statutes governing the qualifications and processes for annexation of territory by the different classes of Nebraska's cities and villages		X	
100	Interim study to examine issues relating to the municipal annexation of land located within the boundaries of a rural water district		X	
195	Interim study of the Community Development Law and tax-increment financing		X	
188	Interim study to analyze the formula used to determine the qualification for and disbursement of money from the Mutual Finance Assistance Fund		X	
193	Interim study to review matters within the jurisdiction of the Urban Affairs Committee		X	

COMMUNICATION

Received petition from the City Council of the City of Ralston.

ATTORNEY GENERAL'S OPINION

Opinion 06001

DATE: January 3, 2006

SUBJECT: Whether the Department of Correctional Services Can Authorize Withholding of a Percentage of Wages Paid to Inmates on Work Release for Deposit Into the Victim's Compensation Fund.

REQUESTED BY: Dwite A. Pedersen, State Senator

WRITTEN BY: Jon Bruning, Attorney General
Linda L. Willard, Assistant Attorney General
Tom Stine, Assistant Attorney General

You have asked whether the Department of Correctional Services can authorize withholding of wages paid to inmates on work release for deposit into the Victim's Compensation Fund. It is our determination that the present statutory scheme does not authorize Department of Correctional Services to withhold wages paid to inmates on work release for deposit into the Victim's Compensation Fund.

By way of introduction, the Nebraska Victim's Compensation Fund is established by Neb. Rev. Stat. § 81-1835. The fund receives deposits pursuant to §§ 29-2286, 81-1836 and 83-183.01. Your request seeks an opinion on the operation of § 83-183.01, and our opinion will be limited to that section.

Neb. Rev. Stat. § 83-183.01 authorizes the Department of Correctional Services to withhold an inmates wages for deposit into the Victim's Compensation Fund:

> A person committed to the department, who is earning at least minimum wage and is employed pursuant to sections 81-1827 and 83-183 shall have his or her wages set aside by the chief executive officer of the facility in a separate wage fund. . . . for the following purposes: . . . (7) For deposit in the Victim's Compensation Fund.

Id. (emphasis added). Because the statutory language uses the word "and," the inmate must be employed pursuant to the provisions of both §§ 81-1827 and 83-183 before funds may be withheld.

Section 81-1827 sets forth that the director of Correctional Services may enter into contracts to allow private corporations to operate a factory for the manufacture and processing of goods, wares or merchandise "on the grounds of any Department of Correctional Services facilities." Section 83-183 allows the director of Correctional Services to establish and maintain

industries and farms in appropriate facilities so that inmates committed to the Department shall be employed eight hours per day.

Thus, in order for wages to be withheld pursuant to § 83-183.01, an inmate must be working an eight-hour day in a work program (§ 83-183), in an industry on the grounds of the Department of Correctional Services facilities (§ 81-1827). By definition, work release is a program that allows an inmate to be released from the correctional facility to work in an industry off the grounds of the facility. Therefore, § 83-183.01 does not apply to an inmate on a work release program, and this statutory scheme would not authorize Department of Correctional Services to withhold wages paid to inmates on work release for deposit into the Victim's Compensation Fund.

We are aware that § 83-184(2) sets forth that wages earned by an inmate on work release shall be credited to the person's "wage fund," and the percentage of wages withheld pursuant to § 83-183.01 is also credited to the inmate's "separate wage fund." However, there are separate statutory schemes on the disposition of funds placed in an inmate's wage fund.

Section 83-183(3) sets forth the specific matters for which money in an inmates wage fund may be used when the money is deposited by means other than through § 83-183.01. This would include wages earned during work release. Section 83-183.01 contains the specific purposes for which money collected under its provisions may be used. It is important to note that funds collected pursuant to § 83-183.01 are specifically excluded from the provisions of § 83-183(3):

> Except as provided in section 83-183.01, wage payments to a person committed to the Department shall be set aside by the chief executive officer of the facility in a separate fund. The fund shall enable such a person committed to the Department to contribute to the support of his or her dependents, if any, to make necessary purchases from the commissary, and to set aside sums to be paid to him or her at the time of his or her release from the facility.

Neb. Rev. Stat. § 83-183(3). A reasonable reading of § 83-183(3) indicates that wages paid to an inmate that are deposited into a wage fund by means other than § 83-183.01, are not subject to the withholding provisions of § 83-183.01. This includes wages earned by an inmate on work release. The specific language of § 83-183(3), along with the exception built in to § 83-183(3), indicates that wages withheld pursuant to § 83-184(2) could only be used for the specific purposes set forth in § 83-183(3). The Victim's Compensation Fund is not enumerated as one of those specific purposes.

Based on the preceding analysis, it appears the Department of Correctional Services does not have statutory authority to withhold wages paid to inmates on work release for deposit into the Victim's Compensation Fund.

Sincerely,
JON BRUNING
Attorney General
(Signed) Tom Stine
Assistant Attorney General

cc: Patrick O'Donnell
Clerk of the Legislature

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 934. Introduced by Agriculture Committee: Kremer, 34, Chairperson; Burling, 33; Chambers, 11; Cunningham, 40; Erdman, 47; Fischer, 43; Preister, 5; Wehrbein, 2; and McDonald, 41; Stuthman, 22.

A BILL FOR AN ACT relating to fences; to amend sections 2-4806, 2-4808, 34-101, 34-102, 34-112, and 37-1012, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to fence viewers and viewing; to create a civil action relating to fence disputes; to provide for mediation of such disputes; to harmonize provisions; to repeal the original sections; to outright repeal sections 34-103, 34-104, 34-105, 34-106, 34-107, 34-108, 34-109, 34-110, 34-111, and 34-113, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 935. Introduced by Beutler, 28; Foley, 29; Hudkins, 21; Kruse, 13; Landis, 46; Price, 26; Raikes, 25; Schimek, 27.

A BILL FOR AN ACT relating to streets and roads; to amend section 77-27,132, Reissue Revised Statutes of Nebraska, section 66-4,100, Revised Statutes Cumulative Supplement, 2004, and section 39-2215, Revised Statutes Supplement, 2005; to change distribution of certain sales and use tax proceeds; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 936. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to title insurance; to amend sections 44-1978, 44-19,106, and 76-557, Reissue Revised Statutes of Nebraska; to provide for title insurers and title insurance agents to be exempt from negligence as prescribed; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 937. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to the Nebraska Advantage Microenterprise Tax Credit Act; to amend section 77-5903, Revised Statutes Supplement,

2005; to redefine and define terms; and to repeal the original section.

LEGISLATIVE BILL 938. Introduced by Baker, 44.

A BILL FOR AN ACT relating to the Wellhead Protection Area Act; to amend sections 46-1505, 46-1506, and 46-1508, Reissue Revised Statutes of Nebraska; to change provisions relating to notice; to provide for recording of boundaries in the office of the register of deeds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 939. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Legislature; to adopt the Redistricting Act.

LEGISLATIVE BILL 940. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to state government; to create the Office of Homeland Security and the Homeland Security Policy Group.

LEGISLATIVE BILL 941. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to independent boards and commissions; to amend section 81-8,128, Revised Statutes Cumulative Supplement, 2004; to modify provisions related to the State Athletic Commissioner; and to repeal the original section.

LEGISLATIVE BILL 942. Introduced by Stuthman, 22; Hudkins, 21; Kremer, 34; Thompson, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1822, 77-1823, and 77-1825, Reissue Revised Statutes of Nebraska; to modify provisions related to real property purchases; and to repeal the original sections.

LEGISLATIVE BILL 943. Introduced by Redfield, 12; Burling, 33; Cunningham, 40; Erdman, 47; Foley, 29; Friend, 10; Mines, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.02 and 77-2732, Reissue Revised Statutes of Nebraska, and section 77-2716.01, Revised Statutes Cumulative Supplement, 2004; to change income tax rate schedules and deduction amounts for certain spouses; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 944. Introduced by Synowiecki, 7; Connealy, 16; Foley, 29; Kopplin, 3.

A BILL FOR AN ACT relating to the Welfare Reform Act; to amend

section 68-1724, Reissue Revised Statutes of Nebraska; to change provisions relating to family size; and to repeal the original section.

LEGISLATIVE BILL 945. Introduced by Smith, 48.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2005; to exempt military retirement benefits from state income taxation; and to repeal the original section.

LEGISLATIVE BILL 946. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to hearing, hard of hearing, or deaf persons; to recognize American Sign Language as a distinct and separate language; and to authorize schools to offer courses in American Sign Language as prescribed.

LEGISLATIVE BILL 947. Introduced by Flood, 19.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 66-1406.02, Reissue Revised Statues of Nebraska, and sections 60-3,183 and 60-3,205, Revised Statutes Supplement, 2005; to authorize an expedited process for suspension of registration certificates and licenses; to authorize reinstatement of the registration certificates and licenses; to clarify the effect of rules and regulations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 948. Introduced by Cunningham, 40.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-172, Reissue Revised Statutes of Nebraska; to eliminate restrictions on adding alcohol to beer; to harmonize provisions; to repeal the original section; and to outright repeal section 53-174, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 949. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to public health and welfare; to provide for a statewide immunization registry; and to provide powers and duties.

LEGISLATIVE BILL 950. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to vital records; to amend sections 71-612, 71-617.15, 71-627, 71-628, and 71-634, Revised Statutes Cumulative Supplement, 2004; to change fees as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 951. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1005, Reissue Revised Statutes of Nebraska; to provide for public assistance for persons with psychiatric or developmental disability; and to repeal the original section.

LEGISLATIVE BILL 952. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to health care; to amend sections 71-7607 and 71-7608, Revised Statutes Cumulative Supplement, 2004, and section 71-7611, Revised Statutes Supplement, 2005; to change and eliminate provisions relating to credit and transfers of funds, legislative intent, certain federal actions, reports on health care access and expenditures, and funds; to provide an operative date; to repeal the original sections; and to outright repeal sections 71-7601, 71-7602, 71-7603, 71-7604, 71-7609, and 71-7610, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 953. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to the Rural Health Systems and Professional Incentive Act; to amend section 71-5668, Revised Statutes Cumulative Supplement, 2004; to change loan repayment amounts; and to repeal the original section.

LEGISLATIVE BILL 954. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to assault on an officer; to amend sections 28-929, 28-930, 28-931, and 28-931.01, Revised Statutes Supplement, 2005; to include employees of the Department of Health and Human Services providing mental health and substance abuse treatment; and to repeal the original sections.

LEGISLATIVE BILL 955. Introduced by Johnson, 37; Brown, 6; Jensen, 20; Schimek, 27.

A BILL FOR AN ACT relating to counties; to provide factors favoring the change of county boundaries as prescribed.

LEGISLATIVE BILL 956. Introduced by Legislative Performance Audit Committee: Beutler, 28, Chairperson; Brashear, 4; Engel, 17; Erdman, 47; McDonald, 41; D. Pederson, 42; Price, 26.

A BILL FOR AN ACT relating to the Legislature; to amend sections 50-401.01, 50-1203, 50-1204, 50-1205, 50-1206, 50-1207, 50-1208, 50-1210, and 50-1211, Reissue Revised Statutes of Nebraska; to establish the office of Legislative Audit and Research; to provide for appointment of a Legislative Auditor; to change provisions of the Legislative Performance Audit Act; to eliminate obsolete language; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 957. Introduced by Brown, 6; Chambers, 11; Cornett, 45; Howard, 9; Stuhr, 24; Thompson, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.15, Revised Statutes Cumulative Supplement, 2004; to exempt housing agencies from sales and use taxes; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 958. Introduced by Heidemann, 1; Burling, 33; Byars, 30; Combs, 32; Connealy, 16; Cunningham, 40; Erdman, 47; Fischer, 43; Flood, 19; Hudkins, 21; Janssen, 15; Kremer, 34; Louden, 49; McDonald, 41; Schrock, 38; Smith, 48; Stuthman, 22.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,301, Reissue Revised Statutes of Nebraska; to change provisions relating to vehicle weight; and to repeal the original section.

LEGISLATIVE BILL 959. Introduced by Janssen, 15; Baker, 44; Beutler, 28; Burling, 33; Combs, 32; Cornett, 45; Cudaback, 36; Cunningham, 40; Engel, 17; Erdman, 47; Fischer, 43; Flood, 19; Foley, 29; Friend, 10; Howard, 9; Hudkins, 21; Jensen, 20; Johnson, 37; Kopplin, 3; Kremer, 34; Louden, 49; McDonald, 41; Mines, 18; Pahls, 31; Dw. Pedersen, 39; Price, 26; Redfield, 12; Smith, 48; Stuhr, 24; Stuthman, 22; Synowiecki, 7; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.10, 77-2701.34, and 77-2704.55, Revised Statutes Cumulative Supplement, 2004, and sections 77-2701.16, 77-2703, and 77-2703.01, Revised Statutes Supplement, 2005; to exempt construction labor and services from sales taxation; to eliminate a definition; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 77-2701.45, Revised Statutes Cumulative Supplement, 2004.

LEGISLATIVE BILL 960. Introduced by Kremer, 34; Baker, 44; Combs, 32; Cudaback, 36; Cunningham, 40; Fischer, 43; Flood, 19; Heidemann, 1; Hudkins, 21; Langemeier, 23; Louden, 49; McDonald, 41; Schrock, 38; Smith, 48; Stuhr, 24; Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-5023, Revised Statutes Cumulative Supplement, 2004, and sections 77-201 and 79-1016, Revised Statutes Supplement, 2005; to change valuation of agricultural land and horticultural land; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 961. Introduced by Louden, 49; Burling, 33; Combs, 32; Erdman, 47; Kruse, 13; Langemeier, 23; Redfield, 12.

A BILL FOR AN ACT relating to the Tax Equity and Educational

Opportunities Support Act; to amend section 79-1003, Revised Statutes Supplement, 2005; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 962. Introduced by Price, 26; Beutler, 28; Byars, 30; Combs, 32; Cunningham, 40; Flood, 19; Heidemann, 1; Howard, 9; Hudkins, 21; Johnson, 37; Kruse, 13; McDonald, 41; Stuhr, 24; Synowiecki, 7; Thompson, 14.

A BILL FOR AN ACT relating to appropriations; to amend section 71-17,112, Revised Statutes Supplement, 2005; to change provisions governing the Nursing Faculty Student Loan Cash Fund; to state intent; and to repeal the original section.

LEGISLATIVE BILL 963. Introduced by Price, 26.

A BILL FOR AN ACT relating to the Sex Offender Registration Act; to amend section 29-4013, Revised Statutes Supplement, 2005; to change provisions relating to the release of information as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 964. Introduced by Price, 26.

A BILL FOR AN ACT relating to the Nebraska Grape and Winery Board; to amend sections 53-301, 53-302, 53-303, 53-304, and 53-305, Reissue Revised Statutes of Nebraska; to rename the board and a fund; to change provisions relating to membership; to add and change provisions relating to required payments; to harmonize provisions; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 260. Introduced by Stuthman, 22; Langemeier, 23.

WHEREAS, David City High School placed first at the 2005 Class C-1 one-act play state championship, the first one-act play win in school history; and

WHEREAS, the David City Scouts have qualified for the state championship four out of the last six years; and

WHEREAS, Michael Betzen of David City received the outstanding male performer award, the first in the school's history; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the David City High School one-act play championship team be congratulated for their success.

2. That a copy of this resolution be sent to the David City High School one-act play team and their director, Jarod Ockander.

Laid over.

LEGISLATIVE RESOLUTION 261. Introduced by Aguilar, 35.

WHEREAS, the people of Nebraska are proud of the system of community colleges that exist in the state; and

WHEREAS, Dr. Dennis Tyson has, for the past 38 years, played an integral part in the success of Central Community College and in the ongoing development of the community college system within the State of Nebraska; and

WHEREAS, Dr. Dennis Tyson has been instrumental in expanding learning opportunities to communities and individuals within the college service area and has facilitated numerous statewide initiatives that greatly enhanced the postsecondary education system in Nebraska; and

WHEREAS, Dr. Dennis Tyson's leadership has greatly enhanced the positive image of postsecondary education in the state with his involvement in and leadership of projects such as the Nebraska Transfer Initiative, the Future Force Nebraska program, curriculum development programs in conjunction with the Nebraska Coordinating Commission for Postsecondary Education, and chairing the Council of Chief Instructional Officers for the state; and

WHEREAS, Dr. Dennis Tyson will be retiring on January 16, 2006.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes the many contributions of Dr. Dennis Tyson, a native Nebraskan, to enhance quality education in Nebraska in general and specifically the community colleges through his leadership at Central Community College from August 7, 1967, to January 16, 2006.

2. That a copy of this resolution be presented to Dr. Dennis Tyson and his family in recognition of his accomplishments and service.

Laid over.

LEGISLATIVE RESOLUTION 262CA. Introduced by Cornett, 45; Baker, 44; Brown, 6; Combs, 32; Pahls, 31; Preister, 5.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 2:

VIII-2 Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 1 or 4, of this Constitution or any other provision of this Constitution to the contrary: (1) The property of the state and its governmental subdivisions shall constitute a separate class of property and shall be exempt from taxation to the extent such property is used by the state or governmental subdivision for public purposes authorized to the state or

governmental subdivision by this Constitution or the Legislature. To the extent such property is not used for the authorized public purposes, the Legislature may classify such property, exempt such classes, and impose or authorize some or all of such property to be subject to property taxes or payments in lieu of property taxes except as provided by law; (2) the Legislature by general law may classify and exempt from taxation property owned by and used exclusively for agricultural and horticultural societies and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user; (3) household goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects; (4) the Legislature by general law may provide that the increased value of land by reason of shade or ornamental trees planted along the highway shall not be taken into account in the assessment of such land; (5) the Legislature, by general law and upon any terms, conditions, and restrictions it prescribes, may provide that the increased value of real property resulting from improvements designed primarily for energy conservation may be exempt from taxation; (6) the value of a home substantially contributed by the United States Department of Veterans Affairs for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death or remarriage of his or her surviving spouse; (7) the Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments; (8) the Legislature may exempt inventory from taxation; (9) the Legislature may define and classify personal property in such manner as it sees fit, whether by type, use, user, or owner, and may exempt any such class or classes of property from taxation if such exemption is reasonable or may exempt all personal property from taxation; (10) no property shall be exempt from taxation except as permitted by or as provided in this Constitution; (11) the Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation; ~~and~~ (12) the Legislature may by general law, and upon any terms, conditions, and restrictions it prescribes, provide that the increased value of real property resulting from improvements designed primarily for the purpose of renovating, rehabilitating, or preserving historically significant real property may be, in whole or in part, exempt from taxation; and (13) improvements on real property which are not owned by the United States Government but which are located on real property owned in fee by the United States Government and used primarily for military housing or the ancillary support of military housing shall constitute a separate class of property and shall be exempt from taxation.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to exempt from taxation improvements on

federal property which are not owned by the federal government, but which are used for military housing purposes.
For
Against.

Referred to the Reference Committee.

AMENDMENTS - Print in Journal

Senator Stuhr filed the following amendment to LB 72:
AM1841
(Amendments to Standing Committee amendments, AM0059)

1. Strike the original amendments and all amendments thereto and insert the following new amendment:

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Sections 1 to 13 of this act shall be known and may be cited as the Security Personnel Licensing Act.

Sec. 2. For purposes of the Security Personnel Licensing Act:

(1) Contract security service means protective services provided by one entity to another entity on a compensated basis;

(2) Proprietary security service means an organization or department of that organization that provides security services solely for the operation of the organization or activities of the organization;

(3) Security officer means an individual other than an employee of a federal, state, or local government, an employee of a political subdivision, or an individual appointed as a deputy state sheriff pursuant to section 84-106, whose primary duty is to perform a contract security service or proprietary security service, full or part-time, for consideration, whether armed or unarmed, in a uniform registered with and approved by the Secretary of State or in plain clothes. Security officer does not include an employee whose sole duty is internal auditing or credit functions, a technician, a monitor of electronic security systems, or others not purporting to perform security services, such as bouncers, parking lot attendants, house-sitters, or event staff;

(4) Security services mean the protection of human and physical resources;

(5) Secretary of State means the Secretary of State or his or her designee;

(6) Security officer firearms permit means a permit that is given to a licensed security officer following the completion of an application process, a criminal history record information check by the Federal Bureau of Investigation through the Nebraska State Patrol, and upon the submission and approval of evidence of successfully completing an approved firearms training course;

(7) Uniform means a manner of dress of a particular style and distinctive appearance as distinguished from ordinary

clothing customarily used and worn by the general public or by law enforcement officials; and

(8) Unlawful conduct means any conduct that results in a felony conviction, a Class I misdemeanor conviction, any drug or alcohol offense conviction within the previous twelve months, any conviction of an offense that would be considered a domestic violence offense, or being subject to a current protection order.

Sec. 3. Every security officer shall be licensed under the Security Personnel Licensing Act.

Sec. 4. The Secretary of State shall:

(1) License applicants as security officers who meet the guidelines, standards, requirements, and qualifications of the Security Personnel Licensing Act;

(2) Issue an applicant a security officer firearms permit if he or she meets the guidelines, standards, requirements, and qualifications of the Security Personnel Licensing Act and submits evidence of successfully completing an approved firearms training course. An approved firearms training course shall include, but not be limited to:

(a) Knowledge and safe handling of a handgun;

(b) Knowledge and safe handling of handgun ammunition;

(c) A demonstration of competency with a handgun with respect to the minimum safety and training requirements;

(d) Knowledge of federal, state, and local laws pertaining to the use of a handgun, including, but not limited to, use of a handgun for self-defense and laws relating to justifiable homicide and the various degrees of assault;

(e) Knowledge of ways to avoid a criminal attack and to defuse or control a violent confrontation; and

(f) Knowledge of proper storage practices for handguns and ammunition, including storage practices which would reduce the possibility of accidental injury to a child;

(3) Establish minimum guidelines for educating and training licensees under the act. Such minimum guidelines may include, but not be limited to:

(a) Basic first aid;

(b) Cardiopulmonary resuscitation;

(c) Crowd control;

(d) Emergency response procedures;

(e) Ethics, honesty, professionalism, and proper conduct;

(f) Knowledge of civil and criminal statutes pertaining to security services or practices;

(g) Note-taking and report writing;

(h) Patrol techniques and observation of unusual circumstances;

(i) Safety and security awareness; or

(j) Use of force;

(4) Provide information to interested persons in matters concerning the laws that govern the practices licensed under the act;

(5) Enforce the act by reviewing and investigating complaints of violations of the act and suspending or revoking licenses issued under the act if necessary. Any applicant, licensee, or other person directly and adversely affected by any order of the Secretary of State may appeal such order and the appeal shall be in accordance with the Administrative Procedure Act;

(6) Prescribe minimum license qualifications;

(7) Prescribe rules and regulations governing applications for licenses and other matters as prescribed under the act in accordance with the Administrative Procedure Act;

(8) Establish conditions for reinstatement and renewal of licenses; and

(9) Employ additional personnel, if necessary, to enforce the Security Personnel Licensing Act.

Sec. 5. The Secretary of State shall set up minimum standards for obtaining a license that shall include, but not be limited to, the following:

(1) Require the applicant to submit an application in a form prescribed by the Secretary of State;

(2) Require the applicant to pay a fee. The fee shall be based upon the costs of administering the act.

(3) Require the applicant not to have been convicted of unlawful conduct;

(4) Require that the applicant not have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and not been restored;

(5) Require that the applicant not be currently suffering from habitual drunkenness or from drug addiction or dependence;

(6) Require that the applicant be at least eighteen years of age for a license under the act and twenty-one years of age for a security officer firearms permit;

(7) Require that the applicant provide a full set of fingerprints to the Secretary of State. The applicant shall request that the Nebraska State Patrol submit the fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The applicant shall pay the actual cost, if any, of the fingerprinting and check of his or her criminal history record information. The applicant shall authorize release of the national criminal history record check to the Secretary of State. The criminal history record check shall be completed within ninety days after the date the application for a license is received by the Secretary of State, and if not, the application shall be returned to the applicant. The applicant may request issuance of a ninety-day temporary license prior to receipt by the Secretary of State of the completed national criminal history record check. If the national criminal history record check reveals a basis for denial of a license, the ninety-day temporary license shall be revoked;

(8) Require that the applicant comply with other qualifications and requirements of the Secretary of State as adopted and promulgated by rule and regulation;

(9) Require that the applicant, prior to completion of the national criminal history record check, submit evidence of successfully completing any education and training requirements established by the Secretary of State by rule and regulation. Trainers may be employed by a contract security service or proprietary security service but shall be approved by the Secretary of State. Trainers shall:

(a) Be at least eighteen years of age to train an applicant for a license and twenty-one years of age to train an applicant for a security officer firearms permit;

(b) Teach from a syllabus and training program that is approved by the advisory committee and Secretary of State; and

(c) Provide proof of qualification to teach specific areas of training related to the field of security.

Sec. 6. The Security Personnel Licensing Fund is created. All funds collected under the Security Personnel Licensing Act shall be remitted to the State Treasurer for credit to the fund. The fund may be used by the Secretary of State to carry out the act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 7. (1) An applicant for license or license renewal under the Security Personnel Licensing Act shall deposit with each application the fee for the license and, if necessary, the fees associated with processing the fingerprints. The fee for the license shall be set by the Secretary of State by rule and regulation and shall be based upon the costs of administering the act.

(2) If the application is approved, the deposited amount shall be applied to the license fee. If the application is disapproved, the deposited amount, excluding the fees associated with the processing of the fingerprints, shall be refunded to the applicant.

Sec. 8. (1) The Secretary of State shall issue to each licensee an identification card in a form approved by the Secretary of State by rule and regulation. The application for a permanent identification card shall include a temporary identification card valid for ninety days from the date of receipt by the applicant.

(2) The fee for each replacement identification card is ten dollars.

Sec. 9. (1) Any person who holds a valid license to act as a security officer issued by the proper authority in another state and based upon requirements and qualifications similar to those of the Security Personnel Licensing Act may be issued a temporary permit to act as a security officer in this state, if such person's licensing jurisdiction extends by reciprocity similar

privileges to a person licensed to act as a security officer by this state. Any reciprocal agreement approved by the Secretary of State shall provide that any misconduct by a person issued a temporary permit to act as a security officer in this state will be dealt with in such person's licensing jurisdiction as though the violation occurred in that licensing jurisdiction.

(2) The Secretary of State shall adopt and promulgate by rule and regulation a fee for the issuance of a temporary permit under this section. The fee shall be based on the cost of administering this section.

Sec. 10. A person licensed as a security officer and holding a security officer firearms permit is exempt from the provisions of section 28-1202 while acting within the scope of his or her employment as a security officer in accordance with the act and any rules and regulations adopted and promulgated under the act.

Sec. 11. A licensee under the Security Personnel Licensing Act and a security officer firearms permit shall expire on October 1 of each odd-numbered year.

Sec. 12. (1) An advisory committee is created to advise the Secretary of State in administering the Security Personnel Licensing Act. The committee shall consist of the following members appointed by the Governor:

(a) One proprietary security service representative;

(b) One contract security service representative;

(c) One attorney;

(d) One higher education instructor;

(e) One member of the law enforcement community; and

(f) Two members at large.

(2) The committee shall elect from its members a chairperson. The terms of the members of the committee shall be three years, except that the terms of the initial committee members shall be staggered so that two members are appointed for a term of one year, two for a term of two years, and three for a term of three years, as determined by the Governor. Members appointed shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Sec. 13. A person who does any of the following is guilty of a Class I misdemeanor:

(1) Makes a false statement or representation in an application or statement filed with the Secretary of State as required by the Security Personnel Licensing Act;

(2) Falsely states, represents, or fails to disclose as required by the act, that the person has been or is a security officer;

(3) Falsely advertises that the person is licensed as a security officer under the act; or

(4) Acts or otherwise represents himself or herself as a security officer without possessing a current valid license as

provided under the act.

Sec. 14. This act becomes operative on April 1, 2007.

Senators Burling, Beutler, Jensen, Raikes, Redfield, and Wehrbein filed the following amendment to LB 542:

AM1834

(Amendments to Standing Committee amendments, AM0932)

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. The Legislature finds that there are significant issues relating to tax policy that need to be reviewed periodically. The Legislature also finds that a tax policy review commission which is responsible for studying Nebraska's tax structure, reviewing implications for the future, ensuring the retention of institutional knowledge about Nebraska's tax policy, and providing recommendations for sound tax policy for the future is essential to the long-term growth of the state's economy and the survival of the state's public institutions.

Sec. 2. The Tax Policy Review Commission is created. The commission shall have sixteen members appointed as follows:

(1) Eight members of the Legislature, at least six of whom will not be term-limited out of the Legislature in January 2007, appointed by the Executive Board of the Legislative Council;

(2) One economist appointed by the Governor;

(3) One representative of production agriculture appointed by the Governor;

(4) One representative of industry and manufacturing appointed by the Governor;

(5) One representative of the labor sector appointed by the Executive Board of the Legislative Council;

(6) One representative of the telecommunications sector appointed by the Governor;

(7) One representative of the low-income sector appointed by the Executive Board of the Legislative Council;

(8) The Director of Economic Development; and

(9) The Tax Commissioner.

Sec. 3. The Tax Policy Review Commission shall elect a chairperson from among its members. The commission shall meet quarterly or more often if the chairperson determines additional meetings are necessary to accomplish the objectives established in this act giving consideration to the funds appropriated. Members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1176.

Sec. 4. The Tax Policy Review Commission shall:

(1) Evaluate current Nebraska tax policies and how they relate to generally recognized tax policies of adequacy, equity, economic competitiveness, simplicity, and accountability and recommend improvements;

(2) Examine household tax burdens and business tax burdens as compared to the United States as a whole and nearby

states and recommend improvements;

(3) Examine nominal tax rates as compared to the United States as a whole and nearby states and recommend improvements;

(4) Evaluate current business tax incentive programs and recommend improvements;

(5) Examine the impact of changes in the fundamentals of the Nebraska economy on the revenue adequacy and stability for the state and recommend improvements;

(6) Examine demographic changes taking place in our state, anticipate the effects such changes have on the revenue adequacy and stability for the state in the future, and recommend improvements;

(7) Examine previous studies, including the Comprehensive Tax Study done by Syracuse University from 1986 to 1988, and ascertain whether any recommendations from such studies can be utilized in the commission's research; and

(8) Issue a preliminary report to the Executive Board of the Legislative Council, the Revenue Committee of the Legislature, and the Governor by December 15, 2006, containing the commission's preliminary findings and recommendations, and issue a final report to the executive board, the committee, and the Governor by November 15, 2007, containing any recommendations for legislation to reform tax policy and, if appropriate, draft proposed language for legislation.

Sec. 5. The Tax Policy Review Commission may hold hearings throughout the state for purposes of receiving input from the public on the issues identified in section 4 of this act.

Sec. 6. (1) Employees of the Department of Revenue, the Department of Property Assessment and Taxation, and the Legislative Council shall be available to the Tax Policy Review Commission to assist it in carrying out its work. The commission shall contract with a meeting facilitator and may contract with experts from any institution of postsecondary education in the state to provide assistance, specific research, research or policy reports, or presentations to carry out the purposes of section 4 of this act, within the constraints of the appropriation provided.

(2) Funding for the commission shall be appropriated to the Legislative Council and shall not exceed one hundred thousand dollars.

Sec. 7. This act terminates on December 31, 2007.

Sec. 8. Since an emergency exists, this act takes effect when passed and approved according to law.

Senators Stuhr and Raikes filed the following amendment to LB 690:
AM1839

(Amendments to Standing Committee amendments, AM0705)

1. Strike the original sections and all amendments thereto and insert the following sections:

Section 1. Sections 1 to 6 of this act shall be known and

may be cited as the Career Education Partnership Act.

Sec. 2. The Legislature finds that:

(1) As defined in the Essential Education Policy of the State Board of Education, all students in Nebraska should have equitable opportunities to obtain knowledge and skills to meet the academic, civic, and economic demands of the twenty-first century;

(2) Schools need resources to provide programs for students to learn information and communication skills, thinking and problem solving skills, and interpersonal and self-directional skills for them to be productive and successful in their work, family, and community;

(3) Schools need resources to rethink the high school experience and to provide programs that will motivate all students, including high-risk students, to graduate from high school;

(4) There is a need to establish strategies and programs that develop skills which enable young people to complete high school, pursue postsecondary education, find jobs, and remain in their communities; and

There is a need to prepare young adults for employment opportunities in the State of Nebraska.

Sec. 3. For purposes of the Career Education Partnership Act, career education includes curriculum, work ethics, general employability skills, technical skills, occupational specific skills, and applied learning that integrates academic knowledge and vocational skills taught through the following course areas: Agriculture education; business education; career education; family and consumer sciences; health occupations; industrial technology education; marketing education; and trade and industrial education.

Sec. 4. The purpose of the Career Education Partnership Act is to support schools in Nebraska in continuing and enhancing career education programs through state grants. The act shall:

(1) Identify and explore options for Nebraska Career Education implementation in different sizes of schools;

(2) Collaborate with ongoing school improvement efforts;

(3) Create models of collaboration between career and academic education;

(4) Encourage relationships and coordination in support of entrepreneurship education;

(5) Develop partnerships between public secondary and postsecondary institutions; and

(6) Develop partnerships with business and industry based on Nebraska workforce development needs.

Sec. 5. (1) The State Department of Education shall establish and administer a competitive grant process to provide grants to a collaborative project of two or more public schools with an educational service unit, or a public postsecondary institution, and an advisory group related to the purpose of the Career Education Partnership Act. For purposes of this section, an advisory group means a local or regional economic development board, a local or regional chamber of commerce board,

or a group specifically designed to support career education and entrepreneurial activities or programs.

(2) Grant money shall be used to provide for equitable opportunities for students in a minimum of two of the following areas:

(a) Assist schools in developing academic competencies, technical competencies, and basic work skill foundations for students;

(b) Assist schools in developing curriculum;

(c) Assist schools in employing certified teachers related to the purposes of the act; and

(d) Assist schools in providing professional development for certified teachers who provide course instruction.

(3) Grants shall not exceed seventy-five thousand dollars per collaborative project. Grant recipients shall have two years to expend the grant funds. No applicant shall receive funding for more than one project at a time. The State Department of Education shall act as the fiduciary agent for the grants.

Sec. 6. It is the intent of the Legislature to appropriate four hundred fifty thousand dollars each fiscal year to carry out the Career Education Partnership Act.

PROPOSED RULES CHANGES

The Rules Committee offered the following proposed rules changes:

Proposal Number 1
Amend Rule 1 Sec. 17 as follows:

Sec. 17. Speaker's Major Proposals. The Speaker shall be authorized to: (a) Designate up to five bills, or resolutions proposing to amend the Constitution, as major proposals during each legislative session. Determinations made by the Speaker pursuant to this subsection shall be limited to bills or resolutions previously designated as a committee priority, senator priority or a general appropriation bill and approved by a vote of two-thirds of the Executive Board.

(b) Require each committee to which a major proposal has been referred to:

(1) hold a public hearing by a date certain as agreed to by the Speaker and committee chairperson.

(2) take action, including voting to advance the measure with or without amendments to the full Legislature, voting to indefinitely postpone the measure, or taking a vote on the measure that does not result in the measure's advancement or indefinite postponement. Committee action as defined above must be taken by a date certain as determined by the Speaker and committee chairperson.

(c) Determine the scheduling of the proposal and the order of amendments and motions to be considered.

The Rules Committee offered the following proposed rules changes:

Proposal Number 2
Amend Rule 3 Sec. 6 as follows:

Sec. 6. Meeting Times. (a) After consultation with the Speaker, the Committee on Committees shall publish a schedule of standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to committees. Standing committees shall meet at 1:30 p.m. on weekdays, unless otherwise approved by the Legislature~~, except for the Nebraska Retirement Systems Committee, which shall meet as called by the chairperson~~.

(b) A standing committee which decides not to hold meetings on the appointed day shall report that decision to the Clerk of the Legislature.

(c) Any legislative committee shall be subject to the call of its chairperson or to the call of a majority of its members, in accordance with the notice and procedural requirements set forth in its committee rules.

The Rules Committee offered the following proposed rules changes:

Proposal Number 3
Amend Rule 3 Sec. 3 as follows:
Effective January 1, 2007 the membership of the Standing Committees shall consist of the following numbers of Senators.

Sec. 3. Standing Committees. (a) The standing committees of the Legislature shall be as follows:

Agriculture ..... 8 members
Appropriations ..... 9 members
Banking, Commerce and Insurance ..... 8 members
Business and Labor ..... 7 members
Education ..... 8 members
General Affairs ..... 8 members
Government, Military and Veterans Affairs ..... ~~8~~ 7 members
Health and Human Services ..... ~~7~~ 8 members
Judiciary ..... 8 members
Natural Resources ..... 8 members
Nebraska Retirement Systems ..... ~~6~~ 8 members
Revenue ..... 8 members
Transportation and Telecommunications ..... 8 members
Urban Affairs ..... 7 members

(b) The Speaker shall not be a regular member of a standing committee.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB 823	Government, Military and Veterans Affairs (rereferred)
LB 860	Education
LB 861	Transportation and Telecommunications
LB 862	Appropriations
LB 863	Judiciary
LB 864	Banking, Commerce and Insurance
LB 865	Education
LB 866	Health and Human Services
LB 867	Judiciary
LB 868	Banking, Commerce and Insurance
LB 869	Health and Human Services
LB 870	Natural Resources
LB 871	Natural Resources
LB 872	Natural Resources
LB 873	Agriculture
LB 874	Agriculture
LB 875	Banking, Commerce and Insurance
LB 876	Banking, Commerce and Insurance
LB 877	Banking, Commerce and Insurance
LB 878	Banking, Commerce and Insurance
LB 879	Transportation and Telecommunications
LB 880	Education
LB 881	Education
LB 882	Health and Human Services
LB 883	Government, Military and Veterans Affairs
LB 884	Health and Human Services
LB 885	Judiciary
LB 886	Judiciary
LB 887	Revenue
LB 888	Revenue
LB 889	General Affairs
LB 890	Education
LB 891	Health and Human Services
LB 892	Health and Human Services
LB 893	Revenue
LB 894	Government, Military and Veterans Affairs
LB 895	Transportation and Telecommunications
LB 896	Revenue
LB 897	Revenue
LB 898	Government, Military and Veterans Affairs
LB 899	Government, Military and Veterans Affairs
LB 900	Government, Military and Veterans Affairs
LB 901	Natural Resources
LB 902	Government, Military and Veterans Affairs
LB 903	Government, Military and Veterans Affairs

LB 904	Revenue
LB 905	Judiciary
LB 906	Business and Labor
LB 907	Urban Affairs
LB 908	Health and Human Services
LB 909	Transportation and Telecommunications
LB 910	Judiciary
LB 911	Revenue
LB 912	Revenue
LB 913	Business and Labor
LB 914	Judiciary
LB 915	Health and Human Services
LB 916	Agriculture
LB 917	Banking, Commerce and Insurance
LB 918	Judiciary
LB 919	Natural Resources
LB 920	Government, Military and Veterans Affairs
LB 921	Government, Military and Veterans Affairs
LB 922	Appropriations
LB 923	Appropriations
LB 924	Judiciary
LB 925	Judiciary
LB 926	Banking, Commerce and Insurance
LB 927	Banking, Commerce and Insurance
LB 928	Banking, Commerce and Insurance
LB 929	Banking, Commerce and Insurance
LB 930	Natural Resources
LB 931	Appropriations
LB 932	Judiciary
LB 933	Natural Resources

LR 259CA General Affairs

(Signed) L. Patrick Engel, Chairperson
Legislative Council, Executive Board

UNANIMOUS CONSENT - Add Cointroducers

Senator Burling asked unanimous consent to add his name as cointroducer to LBs 893, 910, and 925. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB 282. No objections. So ordered.

Senator Foley asked unanimous consent to add his name as cointroducer to LB 666. No objections. So ordered.

Senators Byars, Flood, and Pahls asked unanimous consent to add their names as cointroducers to LB 778. No objections. So ordered.

Senator Johnson asked unanimous consent to add his name as cointroducer to LB 869. No objections. So ordered.

Senator Jensen asked unanimous consent to add his name as cointroducer to LB 766. No objections. So ordered.

Senators Aguilar, Combs, Kruse, Dw. Pedersen, D. Pederson, Price, and Schrock asked unanimous consent to add their names as cointroducers to LB 844. No objections. So ordered.

VISITORS

Visitors to the Chamber were Paul Johanek from Omaha; Harve and Joyce Soderholm from Lincoln and Jonathan Gardner from Los Lunas, New Mexico; and Bryce Rowell from Lincoln.

The Doctor of the Day was Dr. Jeff Harrison from Papillion.

ADJOURNMENT

At 12:06 p.m., on a motion by Senator Redfield, the Legislature adjourned until 10:00 a.m., Monday, January 9, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FOURTH DAY - JANUARY 9, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 9, 2006

PRAYER

The prayer was offered by Pastor Steve Flader, Christ United Methodist Church, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Bourne who was excused; and Senators Brashear, Raikes, and Wehrbein who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the third day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 6, 2006, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Abboud, Andrew F.
Center For People In Need

Abboud, Chris, Public Affairs Group
Agri-Business Association, Nebraska
Brain Injury Association of America
Interior Design, Nebraska Coalition for
Metro Area Transit
Monsanto
Omaha Police Union, Local 101

Adair, Peggy
League of Women Voters of Nebraska

Adams, John H.
International Gamco, Inc.

Adams, Jr., Donald D.
Nebraskans First, Inc.

Alexander, William D.
Alexander, William D.

American Communications Group, Inc.
Behavioral Health Organizations, Nebraska Association of
Center for Rural Affairs
City of Lincoln
Emergency Medical Service Association, Nebraska
Engineers and Architects, Nebraska Board of
Girl Scout Legislative Monitoring Network, Nebraska
Iowa/Nebraska Primary Care Association
Nebraskans for Research
Papio-Missouri Natural Resources District, Nebraska
Physical Therapy Association, Nebraska Chapter of American
Physician Assistants, Nebraska Academy of
Psychological Association, Nebraska
Public Employees, AFSCME Local 61, Nebraska Association of
Public Health, Friends of in Nebraska
Research Nebraska!
Respiratory Care, Nebraska Society for
Retired School Personnel, Nebraska Association of
Speech, Language, & Hearing Association, Nebraska
Teamsters Local Union 554
YMCA of Nebraska

Andersen, Robert C.
Cooperative Council, Nebraska

Anderson, Robert L.
Agri-Business Association, Nebraska
Anderson Management Services, Inc.

Anderson, Shannon M.
Alegent Health

Anderson, Tim W.
Central Nebraska Public Power & Irrigation District

Apel, Justin

Resources Districts, Nebraska Association of

Aspengren, Eric
Nebraskans Against the Death Penalty

Baack, Dennis G.
Community College Association, Nebraska

Baker, R.J.
Elkhorn Valley Economic Development Council

Barrett, John
Aquila

Bateman, Joseph R.
Union Pacific Railroad

Beattie, George
Bankers Association, Nebraska

Beck, Curt
General Contractors of America, NE Chapter, Associated

Beermann, Allen J.
Press Association, Nebraska

Belcher, Barbara N.
Merck & Company

Bell, David
Loup River Public Power District

Blackwell Sanders Peper Martin LLP
Seldin Company

Blankenau, Don, of Fennemore Craig
League of Nebraska Municipalities

Bohrer, Bruce J.
Lincoln Chamber of Commerce

Bonaiuto, John A.
School Boards, Nebraska Association of

Bonrud, Pamela A.
NorthWestern Energy

Boryca, Kelly J.
Pfizer, Inc.

Boucher, Richard
Sheriffs Association, Nebraska

Brady, Justin J.
Radcliffe, Walter H. of Radcliffe & Associates

Bromm, Curt
AFLAC
Cable Communications Association, Nebraska
City of Elkhorn
Papillion - La Vista Public Schools
Papio Valley Preservation Association
Telecommunications Association, Nebraska

Bruning, Deonne L.
Cox Nebraska Telcom, LLC
Northern Natural Gas
U. S. Cellular

Buntain, David R.
Medical Association, Nebraska

Burhan, Charles H.
Liberty Mutual Insurance

Burroughs, Sheila K.
Certified Public Accountants, Nebraska Society of

Butz, Timothy C.
ACLU Nebraska

Campbell, Mary M./Campbell & Associates
AIA Nebraska
Beer Wholesalers Association, Nebraska
Cable Communications Association, Nebraska
Community Health Endowment of Lincoln
Educational Service Units Administrators Association
Friends of Nebraska Nonprofit Hospitals
Friends of the Nebraska Environmental Trust
Industrial Energy Users of Nebraska
Lincoln Public Schools
Nature Conservancy Action Fund, The
Region II and V Services
State Troopers Association of Nebraska, Inc.
University of Nebraska
Waste Management
Wholesale Liquor Distributors Association, Nebraska

Carstenson, Eric B.
Telecommunications Association, Nebraska

Cavanaugh Law Firm, PC, LLO
Creighton University
Explore Information Services, LLC
Independent Insurance Agents of Nebraska
National Confectioners Association
Snack Food Association
Tenet Health System

Cavanaugh, James P.
Cavanaugh Law Firm PC, LLO

Cavanaugh, Patrick B.
Cavanaugh Law Firm PC, LLO

Cheloha, John A. 'Jack'
City of Omaha

Clark, Douglas R.
Metropolitan Utilities District

Clayburn, Neal
Lincoln Education Association

Cover, Joni R.
Pharmacists Association, Nebraska

Craig, Robert B.
American Legion of Nebraska

Crawford, Derek
Kraft Foods North America, Inc. - Altria Corporate Services, Inc.
Philip Morris USA, Inc. - Altria Corporate Services, Inc.

Crawford, Kristin Lawson
Engineering Companies/Nebraska, American Council of
Engineers, Nebraska Society of Professional

Cunningham, James R.
Catholic Conference, Nebraska

Cutshall & Associates
Area Agencies on Aging, Nebraska Association of
BryanLGH Health System
College Systems, Board of Trustees of Nebraska State
Community Health Endowment of Lincoln
Community Lottery System, Inc.

County Attorneys Association, Nebraska
Dietetic Association, Nebraska
Elkhorn Public Schools
Family Physicians, Nebraska Academy of
Financial Services Coalition, Nebraska
Funeral Directors Association, Nebraska
Legal Aid of Nebraska
Lincoln Medical Education Partnership
Manufactured Housing Association, Nebraska
Metropolitan Utilities District
Nebraska Public Power District
Pfizer, Inc.
Poultry Industries, Inc., Nebraska
Resources Districts, Nebraska Association of
Rural Community School Association, Nebraska
Ruth Mueller Robak LLC
Southern Public Power District
Union Pacific Railroad
Water Coalition, Nebraska

Cutshall, Bruce A.
Cutshall & Associates

DeCamp, John W.
Chiropractic Physicians Association, Nebraska
Veterans of Foreign Wars

Dibbern, Chris M.
Nebraska Municipal Power Pool

Dix, Larry
County Officials, Nebraska Association of

Dobler, James B.
Farmers Mutual of Nebraska

Dudley, William H.
AFLAC

Dulaney, Michael S.
School Administrators, Nebraska Council of

Edson, Dean E.
Resources Districts, Nebraska Association of

Edwards, Jon
County Officials, Nebraska Association of

Eidem, Linda

NorthWestern Energy

Elliott, Joseph W.
Professional Insurance Agents of Nebraska

Engh, Jennifer L.
Cargill Inc.

Eret, Don
Tractor Testing Laboratory, Supporters of Nebraska

Erickson, Julie S.
American Communications Group, Inc.

Evans, Eric A.
Advocacy Services, Inc., Nebraska

Fahleson, Mark A.
Abengoa Bioenergy Corporation

Ferdinand, Betty
Health Care Association, Nebraska

Ferrell, Beth Bazyn
County Officials, Nebraska Association of

Festersen, Pete
Omaha Chamber of Commerce, Greater

Flannery, John S.
Verizon Wireless

Fraizer, Ted J.
AFLAC
Insurance Association, American
Mutual of Omaha Insurance Company

Fraizer, Theodore D. (Tad)
Fraizer & Fraizer Law Office

Funk, Christine
Planned Parenthood of Nebraska & Council Bluffs

Gangwish, Duane
Cattlemen, Inc., Nebraska

Gilbertson, Korby M.
Radcliffe, Walter H. of Radcliffe & Associates
Wildlife Protectors Association, Inc./Operation Game Thief, Nebraska

Goc, John J.
Keno Operators Association, Nebraska
Metropolitan Utilities District
Operational Services, LLC

Gordon, James E.
DeHart & Darr Associates

Gottschalk, Kristen
Rural Electric Association, Nebraska

Gould, John 'Jack'
Common Cause National
Common Cause Nebraska

Gould, Rebecca
Appleseed Center for Law in the Public Interest, Nebraska

Griess, James R.
Education Association, Nebraska State

Grotrian, James
Metropolitan Community College

Hale, Brian R.
School Boards, Nebraska Association of

Hall, Kimberle M.
Home & Community Health Agencies, Nebraska Association of

Hallstrom, Robert J.
Bankers Association, Nebraska
Blue Cross & Blue Shield of Nebraska
Friends of Nebraska Nonprofit Hospitals
National Federation of Independent Business
Nebraskans For Workers Compensation Equity
NETWORKS, Inc.
Pharmacists Association, Nebraska

Hansen, John K.
Farmers Union, Nebraska

Harmon, Annette L.
Nurses Association, Nebraska

Harris, Nance
Trucking Association, Nebraska

Hartmann, William
One-Call Notification Center, Nebraska Statewide

Harvey, William F.
Big Red Lottery Services, Ltd.

Haubensak, Richard
Cornerstone Energy, Inc.

Head, Craig J.
Farm Bureau Federation, Nebraska

Hedman, Gary
Southern Public Power District

Heine, Bruce W.
Magellan Midstream Partners

Higgins, Shirley
Nebraska Public Power District

Hill, Denise A.
Berkshire Hathaway Homestate Companies

Hogrefe, Raymond H.
National Active & Retired Federal Employees (NARFE), NE Federation

Holmquist, David W.
American Cancer Society

Holmquist, Jay
Rural Electric Association, Nebraska

Hood, Jane Renner
Humanities Council, Nebraska

Horne, Virgil L.
Lincoln Public Schools

Hunter, Martha
League of Women Voters of Nebraska

Hybl, Michael G. - TELEC Consulting Resources, Inc.
Cambridge Telephone Company
Clarks Telecommunications Co.
Consolidated Telephone Company
Hamilton Telecommunications
Hartington Telecommunications, Inc.
Hershey Coop Telephone Co.

HunTel Systems, Inc.
K & M Telephone Company
Nebraska Central Telephone Company
Northeast Nebraska Telephone Co.
Stanton Telecom, Inc.
Three River Telco
Trucking Association, Nebraska

Intermill, Mark
AARP

Jensen, Ronald L.
Counseling Association, Nebraska
Dental Hygienists Association, Nebraska
Homes & Services for the Aging, Nebraska Association of
Kraft Foods North America, Inc. - Altria Corporate Services, Inc.
Magellan Health Services, Inc.
Marriage and Family Therapy, The Nebraska Association for
National Rifle Association Institute for Legislative Action
Nurse Anesthetists, Nebraska Association of
Optometric Association, Nebraska
Philip Morris USA, Inc. - Altria Corporate Services, Inc.
Podiatric Medical Association, Nebraska
Private Resources, Nebraska Association of
Radiologic Technologists, Nebraska Society of

Jensen, S. Michael
Great Plains Communications

Johnson, DeMaris
Cable Communications Association, Nebraska
Check Cashers, Nebraska Association of
County Attorneys Association, Nebraska
Water Resources Association, Nebraska

Johnson, Dick
Builders and Contractors, Inc., Associated

Johnson, Larry A.
Trucking Association, Nebraska

Johnson, Mary A.
Ruth Mueller Robak LLC

Johnson, Rod E.
Pork Producers Association, Nebraska

Johnson, Sandra A.
Medical Association, Nebraska

Jordison, John C.
Great Plains Communications

Kamm, Richard D.
Class VI Association of Schools

Karavas, Julie M.
Bio Nebraska

Kay, Sara A.
AIA Nebraska

Keetle, Roger S.
Hospital Association, Nebraska

Keigher, Timothy P.
Petroleum Marketers & Convenience Store Assn., Nebraska

Keigher/Rasmussen & Associates, LLC
AirBoat Association, Nebraska
Auto Dealers Association, Nebraska Independent
Class I's United
Iowa/Nebraska Equipment Dealers Association
Kraft Foods North America, Inc. - Altria Corporate Services, Inc.
Land Improvement Contractors Association, Nebraska
LensCrafters
Miller Brewing Company
National Guard Assn. of Nebraska
Philip Morris USA, Inc. - Altria Corporate Services, Inc.
SouthWestern Association

Kelley & Lehan, P.C.
Beverage Operators of Nebraska, Responsible
Douglas County, Nebraska
Eastern Nebraska Human Services Agency
Elevator Industry Work Preservation
Fraternal Order of Police, Nebraska
Horsemens Benevolent & Protective Association
Omaha Airport Authority
Omaha Exposition & Racing, Inc.
Ralston Public School District
Scheels All Sports Inc.

Kelley, Michael, of Kelley & Lehan, PC
Kelley & Lehan, PC

Kelsey, Michael D.
Cattlemen, Inc., Nebraska

Kennedy, Barry L.
Chamber of Commerce & Industry, Nebraska

Kenny, Timothy R.
Investment Finance Authority, Nebraska

Kerr, Karren
League of Women Voters of Nebraska

Kevil, G. Bruce
Home Builders Association, Nebraska State

Kierstead, Roberta
Planned Parenthood of Nebraska & Council Bluffs

Kilgarin, Karen
Education Association, Nebraska State

Kissel, Gordon
Kissel/E&S Associates, LLC

Kissel/Erickson & Sederstrom Associates, LLC
Alegent Health
American Petroleum Institute
Ameristar Casinos, Inc.
Anheuser-Busch Companies
CASA Association, Nebraska
Coalition of Rural Water Districts
Cooperative Council, Nebraska
Erickson & Sederstrom, PC
Families for Effective Autism Treatment (FEAT)
Goodwill Industries, Nebraska
Hearing Society, Nebraska
Historical Society, Nebraska State
Investment Finance Authority, Nebraska
Lancaster County Board of Commissioners
Lincoln Electric System
Nebraska Municipal Power Pool
Network Association, Nebraska
Professional Engineers Coalition
Telecommunications Business Users Coalition, Nebraska
TransCanada Pipelines Limited
WebMD (Emdeon Corporation)
West Corporation

Kohout, Joseph D.
Kelley & Lehan, PC

Krannawitter, Brian
American Heart Association

Krumland, Gary G.
League of Nebraska Municipalities

Kruse, Dacia D.
Omaha Chamber of Commerce, Greater

Kruse, Larry D.
Glaxo Smith Kline

Lange, Robert G.
Ameritas Life Insurance Corporation

Libsack, Fiona
Regional West Health Services

Licht, Alice L.
Agri-Business Association, Nebraska
Anderson Management Services, Inc.
Auctioneers Association, Nebraska
Automotive Recycling Industry of Nebraska
Aviation Trade Association, Nebraska
Hotel & Motel Association, Inc., Nebraska
Interior Design, Nebraska Coalition for
Pest Control Association, Nebraska State

Licht, Andrew W.
Anderson Management Services, Inc.

Lindsay, John
O'Hara, Lindsay & Associates, Inc.

Lineweber, Ray L.
United Transportation Union

Loeffler, Michael T.
Northern Natural Gas

Logsdon, Robert R.
Cox Nebraska Telcom, LLC

Lombardi, Richard A.
American Communications Group, Inc.

Lowrey, Lon
Novartis Pharmaceuticals Corporation

Luetkenhaus, Brandon M.
Credit Union League and Affiliates, Nebraska

Mass, Ken E.
AFL-CIO, Nebraska State

Mauk, Daniel S.
Norfolk Area Chamber of Commerce

McBride, David S.
Insurance and Financial Advisors, National Association of
Optometric Association, Nebraska

McClure, John
Nebraska Public Power District

McGuire, Mark D.
Crow Butte Resources, Inc.
Education Association, Nebraska State

McHugh, Jim
Regional West Health Services

McKenzie, Janis M.
Gifted, Nebraska Association For The
Independent Colleges & Universities of Nebraska (AICUN), Association of
Insurance Federation, Nebraska

Meek, Randy D.
Brotherhood of Locomotive Engineers, Nebraska State Legislative Board

Menzel, Elaine
County Officials, Nebraska Association of

Meurrens, Bradley A.
Advocacy Services, Inc., Nebraska

Mihovk, Donald J.
Chamber of Commerce & Industry, Nebraska

Mikkelsen, Brian
Education Association, Nebraska State

Miller, Amy
ACLU Nebraska

Mills, Jack D.
Risk Management Association, Nebraska Intergovernmental

Moenning, Jessica
Republican Party, Nebraska

Moors, H. Jack
3M Traffic Safety Systems
Cargill Inc.
Corn Growers Association, Nebraska
Crow Butte Resources, Inc.
Hastings Exposition and Racing, Inc.
Johnson & Johnson
Novartis Pharmaceuticals Corporation
Syngenta
Tobacco & Candy Distributors, Nebraska Association of

Morrissey, Spencer W.
Brotherhood of Maintenance of Way Employes

Mourad, Greg W.
National Right to Work Committee

Moylan, James H.
Beverage Association, Nebraska Licensed
R.J. Reynolds Tobacco

Mueller, William J.
Ruth Mueller Robak LLC

Mumgaard, D. Milo
Appleseed Center for Law in the Public Interest, Nebraska

Munguia, Roberto F.
Burlington Northern Santa Fe

Nabb, Douglas
Fremont Public Schools

Neilan, Perre S.
Realtors Association, Nebraska

Nielsen, Coleen J.
Insurance Information Service, Nebraska
Medco Health Solutions, Inc.
Merck & Company
State Farm Insurance Companies

Niemann, Nicholas K.
Omaha Chamber of Commerce, Greater

Nowka, Trent P.
Cutshall & Associates

O'Hara, Lindsay & Associates, Inc.
Ambulatory Centers, Nebraska Association of Independent
Aquila
Automobile Manufacturers, Alliance of
Beverage Association, Nebraska
Blue Cross & Blue Shield of Nebraska
City of Lincoln
City of Norfolk
County Judges Association, Nebraska
Endow Nebraska
Finocchiaro Wine Company, Inc.
First National of Nebraska, Inc.
Hall County Livestock Improvement Association
Housing & Redevelopment Officials, Nebraska Chapter of the National Association of
Humanities Council, Nebraska
Kinder Morgan, Inc.
Nucor Corporation
Omaha Public Power District
Omaha Public Schools
Peru State College Foundation
Pioneer - A DuPont Company
Trial Attorneys, Nebraska Association of
Winnebago Tribe of Nebraska

O'Hara, Paul V.
O'Hara, Lindsay & Associates, Inc.

Olhausen, Vaun C.
Schering-Plough External Affairs, Inc.

Olsen, Keith R.
Farm Bureau Federation, Nebraska

O'Neill, Jr., Thomas J.
Independent Colleges & Universities of Nebraska (AICUN), Association of

Orton, Leroy
Irrigation Association, Nebraska State
Waste Water Assn., Nebraska On-Site
Well Drillers Association, Nebraska

Othmer, Mark F.
Iowa/Nebraska Equipment Dealers Association

Otto, James A.
Restaurant Association, Nebraska
Retail Federation, Nebraska

Overcash, James A.
Electrical Contractors Association, National

Owen, Rose Marie
Medco Health Solutions, Inc.

Ozanne, Colleen K.
State Farm Insurance Companies (NE)

Pack, Mary M.
Radcliffe, Walter H. of Radcliffe & Associates

Paden, Nicholas
Campbell, Mary M./Campbell & Associates

Pallesen, Jr., Charles M.
Medical Association, Nebraska

Parker, David R.
Great West Casualty Company

Partington, Jim
Restaurant Association, Nebraska

Passarelli, Angelo D.
Millard Public Schools

Peetz, Natalie, Peetz & Company
Apollo Group, Inc./Univ. of Phoenix
Next Generation Nebraska
Omaha Royals Limited Partnership
Susan A. Buffett Foundation

Perkins, Gary A.
Children's Hospital
Childrens Healthcare Services

Peters, William E.
Burlington Northern Santa Fe
Cigar Association of America, Inc.
Golden Rule Insurance Company

Peterson, Alan E.
Media of Nebraska, Inc.

Peterson, Patricia Schuett
Investment Finance Authority, Nebraska

Petsch, Jean M.
General Contractors, Associated

Pierson, Darwin R.
Oil & Gas Association, Nebraska Independent

Pittman, Jack F.
Highway Users, Nebraska Coalition of

Plucker, Julia
Bennington Public Schools
Coast Casinos, Inc.
Community Alliance, Inc.
Credit Union League and Affiliates, Nebraska
Nebraska School Activities Association
Scheels All Sports Inc.

Polt, Brendon A.
Health Care Association, Nebraska

Popken, Kent T.
Qwest Communications

Potter, Cara E.
National Association of Chain Drug Stores

Prenda, Amy
Kissel/E&S Associates, LLC

Preston, James N.
Trucking Association, Nebraska

Ptacek, Patrick J.
Grain and Feed Association, Nebraska

Quandahl, Mark
Republican Party, Nebraska

Radcliffe, Walter H. of Radcliffe & Associates
ALLTEL Communications
Broadcasters Association, Nebraska
Cable Communications Association, Nebraska
Certified Public Accountants, Nebraska Society of
Citizens For Bellevue
Fair Board, Nebraska State
Father Flanagans Boys Home aka Girls and Boys Town

Father Flanagans Boys Home d/b/a Boys Town National Research Hospital
Financial Services Coalition, Nebraska
Health Care Association, Nebraska
Home Builders Association, Nebraska State
INTRALOT USA
League of Nebraska Municipalities
Lincoln Public Schools
Media of Nebraska, Inc.
Medical Center, Nebraska
Motion Picture Association of America
Omaha Property Owners Association
Optometric Association, Nebraska
Property Casualty Insurers Association of America
Public Health Funding, Nebraskans for
Pyrotechnics Association, Nebraska
Realtors Association, Nebraska
State Troopers Association of Nebraska, Inc.
Tyson Foods, Inc.
University of Nebraska
UST Public Affairs, Inc.
Waste Connections, Inc.
Wholesale Liquor Distributors Association, Nebraska

Rasmussen, Dennis
Keigher/Rasmussen & Associates, LLC

Redoutey, Laura J.
Hospital Association, Nebraska

Reid, William S.
Eli Lilly and Company

Rempe, Jay E.
Farm Bureau Federation, Nebraska

Renner, Shawn D.
Media of Nebraska, Inc.

Rex, L. Lynn
League of Nebraska Municipalities

Reynolds, Simera
Mothers Against Drunk Driving, Nebraska

Richards, Thomas
Omaha Public Power District

Riibe, Diane

Project Extra Mile

Riskowski, Al
Family Council, Nebraska

Robak, Kim M.
Ruth Mueller Robak LLC

Robertson, Rob J.
Farm Bureau Federation, Nebraska

Rowley, Mitch
Catholic Conference, Nebraska

Ruth Mueller Robak LLC
Airport Officials, Nebraska Association of
American Express Travel Related Services, Inc.
Ash Grove Cement Co.
Bankers Association, Heartland Community
Better Nebraska Association
Big Red Lottery Services, Ltd.
Chief Industries, Inc.
Cingular Wireless LLC
Collectors Association, Nebraska
Commercial Property Owners, Nebraska Association of
Cornerstone Energy, Inc.
Court Reporters Association, Nebraska
Cutshall & Associates
Dental Association, Nebraska
District Court Judges Association, Nebraska
Duncan Aviation
Eastern Nebraska Development Council
eBay, Inc.
Electrical Contractors Association, National
Eye Physicians and Surgeons, Nebraska Academy of
First Data Corporation
General Contractors of America, NE Chapter, Associated
Independent Accountants, Nebraska Society of
Joseph's, Inc.
Kearney Area Chamber of Commerce
Lamar Advertising Company
Land Title Association, Nebraska
Lincoln Airport Authority
Lyman-Richey Corporation
Machinery Company, Nebraska
MDS Pharma Services (US), Inc.
Methodist Health Systems, Nebraska
Millard Public Schools
MultiState Associates, Inc. on behalf of MedImmune Incorporated

Nebraska Interactive
Nebraska State Bar Association
Pharmaceutical Research and Manufacturers of America
Press Association, Nebraska
Service Contract Industry Council

Ruth, Larry L.
Ruth Mueller Robak LLC

Ryan, Beth
Union Pacific Railroad

Sahling-Zart, Shelley R.
Lincoln Electric System

Schimek, Herbert H.
Education Association, Nebraska State

Schleppenbach, Greg
Catholic Conference, Nebraska

Schmit-Albin, Julie
Nebraska Right to Life

Schuller, Lynne
Horsemens Benevolent & Protective Association

Sedlacek, Ronald J.
Chamber of Commerce & Industry, Nebraska
MoneyGram International (MoneyGram Payment Systems, Inc.)

Sellentin, Jerry L.
School Administrators, Nebraska Council of

Setzepfandt, Scott
HLR Service Corporation

Sher, Bradley L.
BryanLGH Health System

Shultz, Jack L.
Eli Lilly and Company
Motorcycle Industry Council, Inc.

Siefken, Kathy
Grocery Industry Association, Nebraska
Shazam

Simino, Charles G.

Sprint Nextel

Smith, Milford L.
Education Equity and Adequacy, Nebraska Coalition of

Snyder, Patricia
Health Care Association, Nebraska

Stading, Donald R.
Ameritas Life Insurance Corporation

Stilmock, Gerald M.
Bankers Association, Nebraska
Firefighters Association, Nebraska State Volunteer
National Federation of Independent Business
Pharmacists Association, Nebraska

Stremming, Troy A.
Ameristar Casinos, Inc.

Sullivan, J. Scott
Credit Union League and Affiliates, Nebraska

Todd, Jr., A. Loy
Car & Truck Dealers Association, Nebraska New

Tumbleson, Brandi Holys
March of Dimes Birth Defects Foundation

Uhe, Fred J.
Sarpy County Board of Commissioners

Ulbrich, Barbara
State Farm Insurance Companies

Ullstrom, Galen F.
Mutual of Omaha Insurance Company

Urdahl, Michael B.
Great Plains Communications

Varney, Michael
Farmers Insurance Group

Vasina, Mark A.
Nebraskans for Peace, Inc.

Vickers, Tom
Community College Association, Nebraska

Educational Lands and Funds, Board of
ESU#3 Consortion
Nurses Association, Nebraska
Postsecondary Career Schools, Nebraska Council of Private
Propane Gas Association, Nebraska
Westside Community Schools

Vodvarka, Dan
Certified Public Accountants, Nebraska Society of

Wagner, Connie
Licensed Practical Nurse Association of Nebraska

Warth, Terry
Nebraska Public Power District

Weak, Jeffrey John
Metro Omaha Theme Park

Weber, Rocky
Cooperative Council, Nebraska

Welsch, Mark E.
GASP-Group to Alleviate Smoking Pollution

Werner, Terry
Social Workers, Nebraska Chapter, National Association of

Wesely, Don
City of Norfolk
Motorola, Inc.

Weston, Deborah L.
ARC of Nebraska

Wickman-Byrd, Barbara J.
Metro Omaha Builders Association

Wightman, Anna Castner
First National of Nebraska, Inc.

Williams, David M.
Ameritas Life Insurance Corporation

Wimmer, J. Kent
Western Sugar Cooperative (CO)

Wininger, Dwight

Rural Telecommunications Coalition, Nebraska

Winston, Ken
Library Association, Nebraska
Nebraskans Against the Death Penalty
Sierra Club, Nebraska

Withem, Ron
University of Nebraska

Wolf, Jesse
Education Association, Nebraska State

Wood, Keith
National Rifle Association Institute for Legislative Action

Woythaler-Runestad, Carly
Hospital Association, Nebraska

Wurster, Donald F.
National Indemnity Company

Yost, Kurt T.
Bankers, Nebraska Independent Community
Central Nebraska Public Power & Irrigation District
Midwest Check Cashiers, Inc.

Young, Lora
Nebraska Travel Association

Zumwinkle, Mike
Cargill Inc.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 965. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2005; to adopt the Long-Term Care Savings Plan Act; to provide an income tax credit; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 966. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07 and 77-2716, Revised Statutes Supplement, 2005; to provide income tax credits and deductions for long-term care insurance premiums as

prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 967. Introduced by Howard, 9.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.55, Revised Statutes Cumulative Supplement, 2004; to terminate the sale and use tax on contractor labor for home repairs; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 542. The Standing Committee amendment, AM0932, found on page 1003 and considered on pages 1363, 1379, and 1403, First Session, 2005, as amended, was renewed.

Senator Jensen asked unanimous consent to withdraw his pending amendment, AM1448, found on page 1379 and considered on page 1404, First Session, 2005, to the Standing Committee amendment, and replace it with the Burling et al. substitute pending amendment, AM1834, found on page 211, to the Standing Committee amendment. No objections. So ordered.

The Burling et al. amendment was adopted with 26 ayes, 1 nay, 20 present and not voting, and 2 excused and not voting.

Senator Beutler withdrew his pending amendment, FA226, found on page 1379, First Session, 2005.

Senator Beutler withdrew his pending amendment, FA231, found on page 1412, First Session, 2005.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 968. Introduced by Redfield, 12; Erdman, 47; Foley, 29; Friend, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.02, Reissue Revised Statutes of Nebraska; to change income tax rate schedules as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 969. Introduced by Byars, 30.

A BILL FOR AN ACT relating to accreditation, curriculum, and instruction; to amend section 79-704, Reissue Revised Statutes of Nebraska; to limit

biennial secondary course offerings; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 970. Introduced by Schrock, 38; Stuhr, 24.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-413 and 37-414, Reissue Revised Statutes of Nebraska, and section 37-452, Revised Statutes Supplement, 2005; to provide for apprentice hunter education exemptions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 971. Introduced by Schrock, 38; Stuhr, 24.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 2-3225, Revised Statutes Cumulative Supplement, 2004, and section 77-3442, Revised Statutes Supplement, 2005; to change tax levy provisions for natural resources districts; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 972. Introduced by McDonald, 41; Stuthman, 22.

A BILL FOR AN ACT relating to government officials; to amend sections 32-562, 32-1205, and 32-1306, Reissue Revised Statutes of Nebraska, and section 32-571, Revised Statutes Supplement, 2005; to change provisions relating to resignations, vacancy appointments, recall election costs, and recall elections; and to repeal the original sections.

LEGISLATIVE BILL 973. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to state employees; to amend section 84-1611, Reissue Revised Statutes of Nebraska; to permit state contributions for health plans on behalf of married employees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 974. Introduced by Flood, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.24, Revised Statutes Supplement, 2005; to provide a sales tax exemption relating to city or village celebrations; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 542. Senator Chambers withdrew his pending amendments, FA229, FA230, and FA234, found on pages 1412 and 1413, First Session, 2005.

Senator Chambers offered the following amendment to the Standing Committee amendment:

FA325
Amend AM1834
1. Add a new section: "In the interest of production agriculture, meetings shall be held only on rainy days or at night since hay must be made while the sun shines."

Senator Chambers withdrew his amendment.

The Standing Committee amendment, as amended, was adopted with 31 ayes, 1 nay, 14 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following amendment:
FA326
Amend AM1834
P. 1, line 13, strike "sixteen" and insert "516"

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 2:

Chambers	Kruse

Voting in the negative, 32:

Aguilar	Cornett	Heidemann	Mines	Stuhr
Baker	Cunningham	Hudkins	Pahls	Stuthman
Brashear	Engel	Janssen	Pedersen, Dw.	Thompson
Brown	Erdman	Jensen	Raikes	Wehrbein
Burling	Fischer	Kopplin	Redfield	
Byars	Flood	Kremer	Schrock	
Combs	Friend	Langemeier	Smith	

Present and not voting, 11:

Beutler	Howard	McDonald	Schimek
Connealy	Johnson	Preister	Synowiecki
Cudaback	Louden	Price	

Excused and not voting, 4:

Bourne	Foley	Landis	Pederson, D.

The Chambers amendment lost with 2 ayes, 32 nays, 11 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 975. Introduced by Natural Resources Committee: Schrock, 38, Chairperson; Hudkins, 21; Kopplin, 3; Kremer, 34; Louden, 49; McDonald, 41; Smith, 48; Stuhr, 24.

A BILL FOR AN ACT relating to livestock; to amend sections 54-2416, 54-2417, 54-2418, 54-2419, 54-2422, 54-2423, 54-2424, 54-2425, 54-2426, 54-2427, 54-2428, 54-2431, 54-2432, 54-2433, and 54-2435, Reissue Revised Statutes of Nebraska, and section 54-2429, Revised Statutes Supplement, 2005; to change provisions of the Livestock Waste Management Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 976. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2005; to exempt certain public retirement benefits from income taxation; and to repeal the original section.

LEGISLATIVE BILL 977. Introduced by Schrock, 38; Connealy, 16.

A BILL FOR AN ACT relating to motor vehicle fuel tax; to amend sections 66-489 and 66-4,105, Revised Statutes Cumulative Supplement, 2004; to change the tax rate on certain motor fuels; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 978. Introduced by Heidemann, 1; Hudkins, 21.

A BILL FOR AN ACT relating to liquor; to amend sections 53-101, 53-123, and 53-124, Reissue Revised Statutes of Nebraska; to provide for bed and breakfast licenses; to provide fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 979. Introduced by Landis, 46.

A BILL FOR AN ACT relating to county zoning; to amend section 23-174.01, Reissue Revised Statutes of Nebraska, and section 23-114, Revised Statutes Cumulative Supplement, 2004; to provide for regulation and restriction of development rights as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 980. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to insurance; to amend section 44-354, Reissue Revised Statutes of Nebraska; to remove exemptions relating to special fees as prescribed; and to repeal the original section.

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance
Room 1507

LB 875	Tuesday, January 17, 2006	1:30 p.m.
LB 876	Tuesday, January 17, 2006	1:30 p.m.
LB 877	Tuesday, January 17, 2006	1:30 p.m.
LB 778	Tuesday, January 17, 2006	1:30 p.m.

(Signed) Mick Mines, Chairperson

VISITORS

Visitors to the Chamber were Professor Alan Rosenthal from Rutgers University and the following 15 civics teachers from across Nebraska: Chad Bailey, Michael Barrett, Lori Broady, Gene Dorn, Roy Ferris, N. Dennis Fornander, H.L. "Jack" Hanger, Fred Kluck, Keith Kucera, Ken Meyers, Mark Mueller, Patricia O'Malley, Dave Rosenbaum, Lynn Sill, and Peggy Williams.

RECESS

At 11:57 a.m., on a motion by Senator Jensen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Bourne, Jensen, and Thompson who were excused; and Senators Brown, Foley, Landis, Price, and Raikes who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB 934	Judiciary
LB 935	Revenue
LB 936	Judiciary
LB 937	Revenue

LB 938	Natural Resources
LB 939	Executive Board
LB 940	Government, Military and Veterans Affairs
LB 941	Government, Military and Veterans Affairs
LB 942	Revenue
LB 943	Revenue
LB 944	Health and Human Services
LB 945	Revenue
LB 946	Education
LB 947	Transportation and Telecommunications
LB 948	General Affairs
LB 949	Health and Human Services
LB 950	Health and Human Services
LB 951	Health and Human Services
LB 952	Health and Human Services
LB 953	Health and Human Services
LB 954	Judiciary
LB 955	Government, Military and Veterans Affairs
LB 956	Executive Board
LB 957	Revenue
LB 958	Transportation and Telecommunications
LB 959	Revenue
LB 960	Revenue
LB 961	Education
LB 962	Appropriations
LB 963	Judiciary
LB 964	General Affairs

LR 262CA	Revenue

(Signed) L. Patrick Engel, Chairperson
Legislative Council, Executive Board

NOTICE OF COMMITTEE HEARING
Agriculture
Room 1524

LB 834	Tuesday, January 17, 2006	1:30 p.m.
LB 855	Tuesday, January 17, 2006	1:30 p.m.
LB 874	Tuesday, January 17, 2006	1:30 p.m.

(Signed) Bob Kremer, Chairperson

GENERAL FILE

LEGISLATIVE BILL 542. Senator Chambers offered the following amendment:
FA327
Amend AM1834
P. 1, line 13, strike "sixteen" and insert "49".

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 19:

Baker	Connealy	Friend	Pahls	Smith
Beutler	Cornett	Hudkins	Pedersen, Dw.	Stuhr
Burling	Erdman	Kopplin	Schimek	Stuthman
Combs	Fischer	Kremer	Schrock	

Present and not voting, 18:

Aguilar	Cunningham	Johnson	Mines	Synowiecki
Brashear	Engel	Kruse	Pederson, D.	Wehrbein
Byars	Howard	Louden	Preister	
Cudaback	Janssen	McDonald	Redfield	

Excused and not voting, 11:

Bourne	Foley	Landis	Raikes
Brown	Heidemann	Langemeier	Thompson
Flood	Jensen	Price	

The Chambers amendment lost with 1 aye, 19 nays, 18 present and not voting, and 11 excused and not voting.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 981. Introduced by Thompson, 14; Brown, 6.

A BILL FOR AN ACT relating to public records; to amend sections 84-712 and 84-712.01, Revised Statutes Cumulative Supplement, 2004; to provide procedures for the release of geographic information systems data as public records; to provide limitations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 982. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to fees and salaries; to amend section 33-110, Reissue Revised Statutes of Nebraska; to increase fees related to marriage licenses; and to repeal the original section.

LEGISLATIVE BILL 983. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to relating to appropriations; to appropriate funds to the Department of Health and Human Services.

LEGISLATIVE BILL 984. Introduced by Howard, 9.

A BILL FOR AN ACT relating to labor and employment; to adopt the Employee Freedom Act.

LEGISLATIVE BILL 985. Introduced by Mines, 18.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-1601, 8-1602, and 8-1605, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to banker's banks; and to repeal the original sections.

LEGISLATIVE BILL 986. Introduced by Kremer, 34; Burling, 33; Fischer, 43; Louden, 49.

A BILL FOR AN ACT relating to agriculture; to amend sections 23-358, 23-358.01, 81-2,236, 81-2,237, and 81-2,238, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to animal damage control; to harmonize provisions; to repeal the original sections; and to outright repeal sections 23-359 and 23-361, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 987. Introduced by Preister, 5.

A BILL FOR AN ACT relating to education; to create a fund; to provide state funding for teacher salaries; and to provide for appropriations.

LEGISLATIVE BILL 988. Introduced by Preister, 5.

A BILL FOR AN ACT relating to income tax; to amend section 77-2715.07, Revised Statutes Supplement, 2005; to provide an income tax credit for teachers as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 989. Introduced by Smith, 48; Erdman, 47; Fischer, 43; Flood, 19; Heidemann, 1; Hudkins, 21.

A BILL FOR AN ACT relating to referendum measures; to suspend the implementation of certain statutory provisions subject to the referendum process.

LEGISLATIVE BILL 990. Introduced by Wehrbein, 2; Baker, 44; Connealy, 16; Erdman, 47; Fischer, 43; Hudkins, 21; Kremer, 34;

Langemeier, 23; Raikes, 25; Schrock, 38; Stuhr, 24; Stuthman, 22.

A BILL FOR AN ACT relating to the Nebraska Advantage Rural Development Act; to amend sections 77-27,188.02 and 77-27,189, Reissue Revised Statutes of Nebraska, and sections 77-27,187.01, 77-27,187.02, 77-27,188, and 77-27,195, Revised Statutes Supplement, 2005; to provide a tax credit for livestock modernization or expansion as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 991. Introduced by Langemeier, 23; Combs, 32; Erdman, 47; Flood, 19; Friend, 10; Janssen, 15.

A BILL FOR AN ACT relating to home inspectors; to define terms; and to provide for registration and financial sureties.

LEGISLATIVE BILL 992. Introduced by Cornett, 45; Baker, 44; Connealy, 16; McDonald, 41; Preister, 5; Smith, 48.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2005; to exclude military retirement benefits from income taxation; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 542. Senator Chambers offered the following amendment:
FA328
Amend AM1834
P. 3, line 3 strike "our" and insert "the".

Senator Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The Chambers amendment was adopted with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:
FA329
Amend AM1834
P. 1, line 5 strike "review" and insert "reform"; page 1, line 12, page 2, lines 8 and 15 strike "Review" and insert "Reform".

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

The Chambers amendment was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:
FA331
Amend AM1834
P. 1 beginning in line 14 strike ", at least six of whom will not be term-limited out of the Legislature in January 2007,"

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

The Chambers amendment was adopted with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:
FA332
Amend AM1834
P. 1, line 13 strike "sixteen" and insert "fifteen"; strike line 17 and renumber.

SPEAKER BRASHEAR PRESIDING

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment:
FA333
Amend AM1834
P. 1, line 18 strike "production".

Senator Chambers withdrew his amendment.

Senator Burling offered the following motion:
To invoke cloture on LB 542, pursuant to Rule 7, Section 10.

Senator Burling moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Burling requested a roll call vote on his motion to invoke cloture.

Voting in the affirmative, 34:

Aguilar	Cornett	Heidemann	Landis	Pederson, D.
Baker	Engel	Howard	Langemeier	Redfield
Beutler	Erdman	Hudkins	Louden	Schrock
Burling	Fischer	Janssen	McDonald	Stuhr
Byars	Flood	Kopplin	Mines	Stuthman
Combs	Foley	Kremer	Pahls	Wehrbein
Connealy	Friend	Kruse	Pedersen, Dw.	

Voting in the negative, 2:

Chambers	Schimek		

Present and not voting, 7:

Brashear	Cudaback	Price	Synowiecki
Brown	Johnson	Raikes	

Excused and not voting, 6:

Bourne	Jensen	Smith
Cunningham	Preister	Thompson

The Burling motion to invoke cloture prevailed with 34 ayes, 2 nays, 7 present and not voting, and 6 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 28:

Aguilar	Cornett	Foley	Kremer	Schrock
Baker	Cunningham	Friend	Kruse	Stuhr
Beutler	Engel	Heidemann	Louden	Stuthman
Burling	Erdman	Howard	Pederson, D.	Wehrbein
Byars	Fischer	Hudkins	Raikes	
Combs	Flood	Johnson	Redfield	

Voting in the negative, 6:

Chambers	Kopplin	Langemeier
Connealy	Landis	Preister

Present and not voting, 11:

Brashear	Janssen	Pahls	Schimek
Brown	McDonald	Pedersen, Dw.	Synowiecki
Cudaback	Mines	Price	

Excused and not voting, 4:

Bourne	Jensen	Smith	Thompson

Advanced to E & R for review with 28 ayes, 6 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 542A. Title read. Considered.

The Chair declared the call raised.

Senator Chambers requested a roll call vote on the advancement of the bill.

Failed to advance to E & R for review with 24 ayes, 3 nays, 18 present and not voting, and 4 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 993. Introduced by Byars, 30.

A BILL FOR AN ACT relating to accreditation, curriculum, and instruction; to amend section 79-728, Reissue Revised Statutes of Nebraska; to require kindergarten programs to meet certain standards; to harmonize provisions; to repeal the original section; and to outright repeal section 79-212, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 994. Introduced by Health and Human Services Committee: Jensen, 20, Chairperson; Byars, 30; Cunningham, 40; Erdman, 47; Howard, 9; Johnson, 37; Stuthman, 22.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 43-522, 43-524, 43-2505, 43-2507, 43-2508, 43-2509, 43-2510, 43-2512, 43-3401, 68-1204, 68-1205, 68-1206, 68-1402, 68-1403, 68-1405, 68-1503, 68-1514, 68-1521, 68-1522, 68-1523, 71-193.01, 71-193.02, 71-193.03, 81-647, 81-668, and 81-671, Reissue Revised Statutes of Nebraska, sections 28-356, 28-372, 28-380, 71-113, and 81-1316, Revised Statutes Cumulative Supplement, 2004, and sections 68-1021.01 and 71-1,104.01, Revised Statutes Supplement, 2005; to adopt federal law by reference; to change membership on the Board of Veterinary Medicine and Surgery; to change the name of the Division of Dental Health; to transfer powers and duties to the Department of Health and Human Services Finance and Support relating to home and community based services for the elderly and children with disabilities, medically handicapped children, early intervention services for children and families, respite lifespan services, and adult protective services; to change provisions relating to medical records and health information; to provide an exemption from the State Personnel System; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 995. Introduced by Stuthman, 22; Flood, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2101.02, Reissue Revised Statutes of Nebraska, and section 77-2101.01, Revised Statutes Supplement, 2005; to terminate estate and generation-skipping taxes; and to repeal the original sections.

LEGISLATIVE BILL 996. Introduced by Louden, 49; Aguilar, 35; Baker, 44; Beutler, 28; Brown, 6; Burling, 33; Byars, 30; Combs, 32; Connealy, 16;

Cornett, 45; Engel, 17; Erdman, 47; Fischer, 43; Flood, 19; Foley, 29; Friend, 10; Heidemann, 1; Howard, 9; Hudkins, 21; Janssen, 15; Jensen, 20; Johnson, 37; Kopplin, 3; Kremer, 34; Kruse, 13; Langemeier, 23; McDonald, 41; Mines, 18; Pahls, 31; Dw. Pedersen, 39; Preister, 5; Price, 26; Redfield, 12; Schimek, 27; Schrock, 38; Smith, 48; Stuhr, 24; Stuthman, 22; Synowiecki, 7; Wehrbein, 2.

A BILL FOR AN ACT relating to the state veteran cemetery system; to amend section 12-1301, Revised Statutes Supplement, 2005; to modify restrictions on the use of General Fund money; and to repeal the original section.

LEGISLATIVE BILL 997. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2715.07, Revised Statutes Supplement, 2005; to provide an income tax credit for donations of perpetual conservation easements; to harmonize provisions; to provide an operative date; and to repeal the original sections.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 271. Placed on General File as amended.
(Standing Committee amendment, AM1802, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 318. Placed on General File as amended.
(Standing Committee amendment, AM1815, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 416. Indefinitely postponed.
LEGISLATIVE BILL 549. Indefinitely postponed.
LEGISLATIVE BILL 550. Indefinitely postponed.
LEGISLATIVE BILL 618. Indefinitely postponed.
LEGISLATIVE BILL 719. Indefinitely postponed.

(Signed) Jim Jensen, Chairperson

AMENDMENTS - Print in Journal

Senator Combs filed the following amendment to LB 454:
AM1854
(Amendments to Standing Committee amendments, AM0810)

1. On page 7, lines 17 and 18, strike "Public Safety Cash Fund" and insert "Nebraska State Patrol Cash Fund".
2. On page 15, line 5, strike "2006" and insert "2007".

Senator Mines filed the following amendment to LB 454:
AM1851

(Amendments to Standing Committee amendments, AM0810)

On page 10, line 18, after the last semicolon insert "federal, state, or local government building;"; and after the last semicolon in line 25 insert "childcare center; domestic violence victim or sexual assault victim shelter; residence of another person without his or her permission; playground or park; public swimming pool; public recreation facility; youth center; airport; music concert; mental health facility;".

UNANIMOUS CONSENT - Add Cointroducers

Senator Redfield asked unanimous consent to add her name as cointroducer to LB 57. No objections. So ordered.

Senator McDonald asked unanimous consent to add her name as cointroducer to LB 957. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to add his name as cointroducer to LB 529. No objections. So ordered.

Senator Erdman asked unanimous consent to add his name as cointroducer to LB 791. No objections. So ordered.

Senator Schimek asked unanimous consent to add her name as cointroducer to LBs 790, 946, and 959. No objections. So ordered.

Senator Preister asked unanimous consent to add his name as cointroducer to LB 959. No objections. So ordered.

Senator Thompson asked unanimous consent to add her name as cointroducer to LB 879. No objections. So ordered.

Senator Cornett asked unanimous consent to add her name as cointroducer to LB 654. No objections. So ordered.

VISITORS

Visitors to the Chamber were Tyson Larson from Weeping Water and Jacque Schneider from Hastings.

The Doctor of the Day was Dr. Shannon Kennedy from Bellevue.

MOTION - Adjournment

Senator Erdman moved to adjourn until 9:00 a.m., Tuesday, January 10, 2006.

Senator Foley requested a roll call vote on the motion to adjourn.

The Erdman motion to adjourn prevailed with 24 ayes, 8 nays, 13 present and not voting, and 4 excused and not voting, and at 4:39 p.m., the Legislature adjourned until 9:00 a.m., Tuesday, January 10, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTH DAY - JANUARY 10, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 10, 2006

PRAYER

The prayer was offered by Pastor Doug Griger, United Methodist Church, Alliance.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Byars, Jensen, Louden, and Smith who were excused; and Senators Engel, Foley, Heidemann, Landis, Price, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourth day was approved.

NOTICE OF COMMITTEE HEARING
Transportation and Telecommunications
Room 1113

LB 895	Tuesday, January 17, 2006	1:30 p.m.
LB 832	Tuesday, January 17, 2006	1:30 p.m.
LB 853	Tuesday, January 17, 2006	1:30 p.m.
LB 947	Tuesday, January 17, 2006	1:30 p.m.
LB 801	Tuesday, January 17, 2006	1:30 p.m.

(Signed) Tom Baker, Chairperson

MOTION - Adopt Permanent Rules

Senator Hudkins moved to adopt the permanent rules for the Ninety-Ninth Legislature, Second Session.

The Rules Committee renewed the proposed rules change, Proposal Number

1, found on page 214, to amend Rule 1, Sec. 17.

The Rules Committee proposed rules change, Proposal Number 1, was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

The Rules Committee renewed the proposed rules change, Proposal Number 2, found on page 215, to amend Rule 3, Sec. 6.

Senator Beutler offered the following amendment to the proposed rules change, Proposal Number 2:
Amend the proposed rules change, by reinstating the words "except for the Nebraska Retirement Systems Committee," and then inserting "at 1:30 PM on Friday"

The Beutler amendment lost with 3 ayes, 22 nays, 18 present and not voting, and 6 excused and not voting.

The Rules Committee proposed rules change, Proposal Number 2, was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

The Rules Committee renewed the proposed rules change, Proposal Number 3, found on page 215, to amend Rule 3, Sec. 3.

The Rules Committee proposed rules change, Proposal Number 3, was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 998. Introduced by Cornett, 45; Preister, 5.

A BILL FOR AN ACT relating to schools; to amend sections 79-407 and 79-473, Revised Statutes Supplement, 2005; to provide for extension of school district boundaries as prescribed; to eliminate a provision relating to the effect of certain agreements as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 999. Introduced by Brown, 6; Baker, 44; Howard, 9.

A BILL FOR AN ACT relating to child care; to amend sections 43-2601, 43-2606, and 79-1102, Reissue Revised Statutes of Nebraska; to change provisions of the Quality Child Care Act and the Early Childhood Training

Center; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1000. Introduced by Price, 26; Chambers, 11.

A BILL FOR AN ACT relating to animals; to amend sections 28-101 and 28-1013, Revised Statutes Cumulative Supplement, 2004; to prohibit certain devices and methods for use on elephants; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1001. Introduced by Synowiecki, 7; Combs, 32; Jensen, 20; Dw. Pedersen, 39; Price, 26.

A BILL FOR AN ACT relating to the Nebraska Evidence Rules; to amend section 27-504, Reissue Revised Statutes of Nebraska; to provide for and change provisions relating to physician-patient privilege with respect to certain nurses as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1002. Introduced by Synowiecki, 7; Combs, 32; Price, 26.

A BILL FOR AN ACT relating to nurse practitioners; to amend section 71-1721, Revised Statutes Supplement, 2005; to change provisions relating to prescribing authority; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1003. Introduced by Landis, 46.

A BILL FOR AN ACT relating to motor fuels; to amend section 66-489, Revised Statutes Cumulative Supplement, 2004; to change a tax exemption relating to motor fuels sold on Indian reservations; and to repeal the original section.

LEGISLATIVE BILL 1004. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101, 53-123.11, 53-124.11, and 53-124.12, Reissue Revised Statutes of Nebraska; to provide powers and duties for the Department of Agriculture; to permit a farm winery to obtain a special designated license and a catering license; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1005. Introduced by Cudaback, 36; Kremer, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,119.05, Reissue Revised Statutes of Nebraska; to change a requirement relating to the income tax form; and to repeal the original section.

AMENDMENTS - Print in Journal

Senator Baker filed the following amendment to LB 77A:
AM1843

1. Strike the original sections and insert the following new sections:

Section 1. There is hereby appropriated (1) $213,193 from the General Fund for FY2006-07 and (2) $231,000 from the General Fund for FY2007-08 to the Department of Property Assessment and Taxation, for Program 112, to aid in carrying out the provisions of Legislative Bill 77, Ninety-ninth Legislature, Second Session, 2006.

Sec. 2. There is hereby appropriated (1) $3,900,000 from the General Fund for FY2006-07 and (2) $3,900,000 from the General Fund for FY2007-08 to the State Department of Education, for Program 25, to aid in carrying out the provisions of Legislative Bill 77, Ninety-ninth Legislature, Second Session, 2006.

There is included in the amount shown for FY2006-07 $3,900,000 General Funds and for FY2007-08 $3,900,000 General Funds which are hereby appropriated to the Tax Equity and Educational Opportunities Fund, which fund is hereby appropriated to provide state aid to public school districts pursuant to the Tax Equity and Educational Opportunities Support Act.

Senator Baker filed the following amendment to LB 249:
(Amendment, AM1800, is printed separately and available in the Bill Room, Room 1104.)

MOTION - Adopt Permanent Rules

Senator Chambers offered the following proposed rules change:
Rule 1, Sec. 2 strike and show as stricken "Chaplain Coordinator"

Senator Chambers moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Senator Chambers requested a roll call vote on his proposed rules change.

Voting in the affirmative, 8:

Chambers	Kruse	Price	Schimek
Connealy	Landis	Raikes	Thompson

Voting in the negative, 29:

Baker	Cornett	Flood	Kopplin	Pedersen, Dw.
Beutler	Cudaback	Foley	Kremer	Redfield
Bourne	Cunningham	Friend	Langemeier	Schrock
Brown	Engel	Howard	McDonald	Stuhr
Burling	Erdman	Hudkins	Mines	Stuthman
Combs	Fischer	Janssen	Pahls	

Present and not voting, 7:

Aguilar	Johnson	Preister	Wehrbein
Brashear	Pederson, D.	Synowiecki	

Excused and not voting, 5:

Byars	Heidemann	Jensen	Louden	Smith

The Chambers proposed rules change failed with 8 ayes, 29 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Erdman offered the following proposed rules change:
Amend Rule 3, Section 6(a) as follows:
After the word "Speaker" insert "and with the approval of the Executive Board"

Senator Erdman moved for a call of the house. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

The Erdman proposed rules change was adopted with 31 ayes, 3 nays, 9 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following proposed rules change:
Amend the Rules as follows:
Strike Rule 1, Section 22.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1006. Introduced by Bourne, 8; Baker, 44; Combs, 32; Cudaback, 36; Cunningham, 40; Erdman, 47; Fischer, 43; Flood, 19; Friend, 10; Heidemann, 1; Johnson, 37; Kremer, 34; McDonald, 41; Pahls, 31; Dw. Pedersen, 39; Schrock, 38; at the request of the Governor.

A BILL FOR AN ACT relating to schools and school districts; to amend

section 79-1022.02, Revised Statutes Supplement, 2004, and section 77-3442, Revised Statutes Supplement, 2005; to change provisions relating to levies and certifications; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1007. Introduced by Baker, 44.

A BILL FOR AN ACT relating to federal transportation regulations; to amend sections 28-1241, 57-501, 60-4,138, 60-4,145, 60-4,146, 60-4,163, 60-6,251, 60-6,284, 75-368, 75-369, 75-369.01, 75-369.02, and 75-369.03, Reissue Revised Statutes of Nebraska, section 28-1213, Revised Statutes Cumulative Supplement, 2004, and sections 60-462.01, 60-465, 60-1306, 75-363, and 75-364, Revised Statutes Supplement, 2005; to update explosive, commercial licensing, equipment, and motor carrier provisions pursuant to such regulations; to define terms; to eliminate certain motor carrier enforcement provisions; to harmonize provisions; to repeal the original sections; to outright repeal sections 75-381 and 75-382, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 1008. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to motor vehicle operator's licenses; to amend section 60-4,118, Reissue Revised Statutes of Nebraska, and sections 60-490 and 60-4,115, Revised Statutes Supplement, 2005; to change the expiration date of certain operators' licenses; to change fees; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 1009. Introduced by Cornett, 45; Flood, 19; Howard, 9.

A BILL FOR AN ACT relating to the DNA Detection of Sexual and Violent Offenders Act; to amend sections 29-4102, 29-4104, 29-4106, and 29-4107, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to legislative findings, use of the State DNA Data Base, and the collection of samples; and to repeal the original sections.

LEGISLATIVE BILL 1010. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2005; to provide an income tax adjustment for charitable contributions; and to repeal the original section.

NOTICE OF COMMITTEE HEARING
Urban Affairs
Room 1510

LB 850	Tuesday, January 17, 2006	1:30 p.m.
LB 907	Tuesday, January 17, 2006	1:30 p.m.

(Signed) Mike Friend, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion 06004

DATE: January 9, 2006

SUBJECT: Nebraska Public Employees Retirement Systems; Entitlement to Dividend Disbursements in Cash Balance Benefit Plans in the State and County Employees Retirement Systems

REQUESTED BY: Chris Beutler, Senator
Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General
Fredrick F. Neid, Assistant Attorney General

You have requested an opinion of the Attorney General concerning "whether Neb. Const. art. III, § 19 prohibits retirees who maintain account balances in the cash balance fund from receiving dividends in light of the inequity that such a prohibition creates." You indicate that you are considering a bill in the next session to clarify existing provisions of the State Employees Retirement Act. The issue posed by your question is whether distribution of a dividend to cash balance benefit accounts of participants not actively employed on the date of the dividend distribution would constitute a gratuity prohibited by Neb. Const. art. III, § 19. We believe that a dividend distribution to retired members who maintained a cash balance benefit account during the plan year of the dividend would be constitutionally permissible.

I. Cash Balance Benefit Plans

A new type of retirement plan termed "cash balance benefit" was established by the Nebraska Legislature for use in the State and County Employees Retirement Systems by passage of LB 687, Laws 2002.

Briefly summarized, the cash balance plans implemented by the Nebraska Public Employees Retirement Systems, NPERS, offers members an account balance based on contributions to which is credited an amount (interest credit) equal to the greater of five percent (5%) or the applicable federal mid-term rate plus one and one half (1½%). compounded annually. Neb. Rev. Stat. §§ 84-1309.02 (Supp. 2005) and 84-1301(18) (Cum. Supp. 2004). Under the cash balance plans, state employees could elect participation in the plans with an operative date of January 1, 2003. Members of the retirement system employed on and after January 1, 2003 are enrolled in the cash balance plan.

II. Dividend Policy

The Nebraska Public Employees Retirement Systems adopted a policy providing for dividend payments based on the authority of Neb. Rev. Stat. § 84-1319(4)(c) (Cum. Supp. 2004) which states:

> On the basis of all data in the possession of the retirement board, including such mortality and other tables as are recommended by the actuary engaged by the retirement board and adopted by the retirement board, the retirement board shall not provide any benefit improvements that would increase the actuarial contribution rate above ninety percent of the actual contribution rate.

The Retirement Board's Policy in particular part states:

> Each year after the annual actuarial valuations results are received the Board will determine, based on the recommendation of the actuary, if a benefit improvement can be made, such as a dividend payment to individual Cash Balance member accounts, after allowing for the required ten percent funding reserve within the plan.

- To be eligible for the dividend a member must be actively employed on the date of the distribution of the dividend.

PERB Policy No. 10 (Rvs'd Sept. 2005) at 2, 3.

In implementing the policy, the Retirement Board issued dividends for the plan years 2003 and 2004 to cash balance benefit accounts in the State and County Employees Retirement plans. As we understand, members who maintained cash balance accounts during the 2003 and 2004 plan years did not receive the dividend if they were retired on the dates the dividends were issued (paid to participant accounts). Accordingly, a member who maintained a cash balance account during the 2003 plan year did not participate in the dividend derived from plan earning during the year 2003 if the member was retired on the date the dividend was distributed to participant accounts.

III. Constitutional Prohibition

The Nebraska Constitution precludes the granting of additional compensation, including pension and retirement benefits, to public officers after their services were rendered. Retired City Employees Club v. City of Omaha Employees Ret. Sys., 199 Neb. 507, 260 N.W.2d 472 (1977). Neb. Const. art III, § 19 in relevant part states:

> The Legislature shall never grant any extra compensation to any public officer, agent or servant after the services have been rendered... except that retirement benefits of retired public officers and employees may be adjusted to reflect changes in the cost of living and wage levels that have occurred subsequent to the date of retirement,...

The issue whether a member's participation in the dividend benefit is prohibited is dependent on whether the member rendered services subsequent to the enactment of the law establishing the retirement benefit. The constitutional prohibition has been characterized by the Nebraska Supreme Court in the following manner:

> It could hardly be made clearer or more positive that retirement benefits are either earned compensation for services rendered after the grant of them and therefore valid or that they are a gratuity and not a part of compensation and therefore invalid.

Wilson v. Marsh, 162 Neb. 237, 253, 75 N.W.2d 723, 733 (1956).

The Court further noted that the benefit of the retirement system awarded to a member thereof who renders services under the act creating the system after its enactment is not a grant of extra compensation which the Constitution condemns. Id. at 252, 75 N.W.2d at 732. The granting of the benefit improvement in the form of a dividend occurred upon passage of LB 687, Law 2002, the legislative act establishing the cash balance benefit plans. The operative date of the cash balance benefit provisions of LB 687 was January 1, 2003. See § 84-1309.02. Thus, participating members retired at the dividend distribution date, who rendered services after the enactment of LB 687 are not constitutionally prohibited from receiving the dividend benefit.

As you have pointed out, PERB's authority to grant a dividend is not expressly stated in the retirement acts and thus, no legislative guidance is in place for ascertaining members' entitlement to dividends during any plan year. The PERB Policy precludes accounts of members who are retired on the date a dividend is distributed from participating in the dividend. PERB Policy No. 10 at 3. We point out that the Nebraska Supreme Court has concluded that benefits proportionate to contributions are not required to establish the validity of active retirement plans. Rather, "[b]enefits proportionate to contributions are not required. This being true, the Legislature may fix the dividing line at any point as long as the recipients are employees and members of the class on the effective date of the Act." Gossman v. State Employees Retirement Systems, 177 Neb. 326, 332, 129 N.W.2d 97, 102 (1964) (emphasis added).

CONCLUSION

The dividend benefit was made possible by passage of LB 687 establishing the cash balance plans. Accordingly, participating members rendering services after the enactment of LB 687 are not constitutionally prohibited from receiving dividend distributions because they were retired at the date of the distribution of the dividend benefit. Legislative clarification of members' rights to dividend distributions would resolve issues regarding this important benefit.

Sincerely,
JON BRUNING
Attorney General
(Signed) Fredrick F. Neid
Assistant Attorney General

21-243-24

RECESS

At 11:57 a.m., on a motion by Senator Dw. Pedersen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Byars, Jensen, Langemeier, Louden, and Smith who were excused; and Senators Beutler, Redfield, and Thompson who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB 965	Revenue
LB 966	Revenue
LB 967	Revenue
LB 968	Revenue
LB 969	Education
LB 970	Natural Resources
LB 971	Revenue
LB 972	Government, Military and Veterans Affairs
LB 973	Government, Military and Veterans Affairs
LB 974	Revenue
LB 975	Natural Resources
LB 976	Revenue
LB 977	Revenue
LB 978	General Affairs
LB 979	Government, Military and Veterans Affairs
LB 980	Banking, Commerce and Insurance
LB 981	Government, Military and Veterans Affairs
LB 982	Judiciary
LB 983	Appropriations
LB 984	Judiciary
LB 985	Banking, Commerce and Insurance

LB 986	Agriculture
LB 987	Appropriations
LB 988	Revenue
LB 989	Government, Military and Veterans Affairs
LB 990	Revenue
LB 991	Judiciary
LB 992	Revenue
LB 993	Education
LB 994	Health and Human Services
LB 995	Revenue
LB 996	Government, Military and Veterans Affairs
LB 997	Revenue

(Signed) Pat Engel, Chairperson
Legislative Council, Executive Board

MOTION - Adopt Permanent Rules

Senator Chambers renewed his pending proposed rules change, found in this day's Journal, to Rule 1, Sec. 22.

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Senator Chambers requested a roll call vote on his proposed rules change.

Senator Friend requested the roll call vote be taken in reverse order.

Voting in the affirmative, 21:

Bourne	Janssen	McDonald	Preister	Wehrbein
Chambers	Johnson	Mines	Price	
Connealy	Kopplin	Pahls	Raikes	
Cornett	Kruse	Pedersen, Dw.	Schimek	
Cudaback	Landis	Pederson, D.	Thompson	

Voting in the negative, 8:

Cunningham	Erdman	Friend	Kremer
Engel	Fischer	Heidemann	Stuhr

Present and not voting, 11:

Aguilar	Burling	Howard	Stuthman
Baker	Combs	Hudkins	Synowiecki
Brown	Foley	Schrock	

Excused and not voting, 9:

Beutler	Byars	Jensen	Louden	Smith
Brashear	Flood	Langemeier	Redfield	

The Chambers proposed rules change failed with 21 ayes, 8 nays, 11 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

The Hudkins pending motion, found in this day's Journal, to adopt the permanent rules for the Ninety-Ninth Legislature, Second Session, was renewed.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1011. Introduced by Mines, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1502, Revised Statutes Supplement, 2005; to change a provision relating to property valuation protests; and to repeal the original section.

LEGISLATIVE BILL 1012. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-1416, Revised Statutes Cumulative Supplement, 2004; to eliminate provisions relating to budget requests; and to repeal the original section.

LEGISLATIVE BILL 1013. Introduced by Combs, 32.

A BILL FOR AN ACT relating to elections; to amend sections 32-1119 and 32-1121, Reissue Revised Statutes of Nebraska; to change provisions relating to recounts; and to repeal the original sections.

LEGISLATIVE BILL 1014. Introduced by Cunningham, 40; Baker, 44; Engel, 17; Kremer, 34.

A BILL FOR AN ACT relating to the Small Claims Court; to amend section 25-2802, Revised Statutes Cumulative Supplement, 2004; to state the jurisdictional amount of the court; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1015. Introduced by Stuthman, 22; Bourne, 8; Cornett, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for

county jail reimbursement assistance.

NOTICE OF COMMITTEE HEARINGS
Education
Room 1525

LB 946	Tuesday, January 17, 2006	1:30 p.m.
LB 880	Tuesday, January 17, 2006	1:30 p.m.
LB 881	Tuesday, January 17, 2006	1:30 p.m.
LB 795	Tuesday, January 17, 2006	1:30 p.m.
LB 860	Tuesday, January 17, 2006	1:30 p.m.

(Signed) Ron Raikes, Chairperson

Natural Resources
Room 1525

LB 805	Wednesday, January 18, 2006	1:30 p.m.
LB 930	Wednesday, January 18, 2006	1:30 p.m.
LB 933	Wednesday, January 18, 2006	1:30 p.m.

Wednesday, January 18, 2006 1:30 p.m.
Vaughn Blum - Environmental Quality Council

LB 776	Friday, January 20, 2006	1:30 p.m.
LB 871	Friday, January 20, 2006	1:30 p.m.
LB 872	Friday, January 20, 2006	1:30 p.m.

Friday, January 20, 2006 1:30 p.m.
Lawrence Bradley - Environmental Quality Council
James Jenkins - Nebraska Ethanol Board
Ronald Zeiger - Environmental Quality Council

(Signed) Ed Schrock, Chairperson

MOTION - Adopt Permanent Rules

Senator Chambers offered the following proposed rules change:
Rule 1, Sec. 2 strike "Chaplain Coordinator" and sec. 22.

Senator Kremer offered the following amendment to the proposed rules change:
Amend the Chambers rule change to read as follows:
In Rule 1, Sec. 2, strike "Chaplain Coordinator" and strike Rule 1, Section 22 and insert "Opening Prayer. The Clerk's Office shall arrange for prayer at the beginning of each day of the legislative session."

Senator Kremer moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Senator Chambers requested a roll call vote on the Kremer amendment to the proposed rules change.

Voting in the affirmative, 37:

Aguilar	Cudaback	Heidemann	McDonald	Redfield
Baker	Cunningham	Howard	Mines	Schrock
Brashear	Engel	Hudkins	Pahls	Stuhr
Brown	Erdman	Janssen	Pedersen, Dw.	Thompson
Burling	Fischer	Johnson	Pederson, D.	Wehrbein
Combs	Flood	Kopplin	Preister	
Connealy	Foley	Kremer	Price	
Cornett	Friend	Kruse	Raikes	

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Schimek Synowiecki

Absent and not voting, 1:

Bourne

Excused and not voting, 8:

Beutler	Jensen	Langemeier	Smith
Byars	Landis	Louden	Stuthman

The Kremer amendment was adopted with 37 ayes, 1 nay, 2 present and not voting, 1 absent and not voting, and 8 excused and not voting.

The Chair declared the call raised.

The Chambers proposed rules change, as amended, was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

The Hudkins pending motion, found in this day's Journal, to adopt the permanent rules for the Ninety-Ninth Legislature, Second Session, was renewed.

Senator Chambers requested a record vote on the motion to adopt the permanent rules.

Voting in the affirmative, 35:

Aguilar	Cornett	Friend	McDonald	Raikes
Baker	Cudaback	Heidemann	Mines	Redfield
Beutler	Cunningham	Hudkins	Pahls	Schimek
Brashear	Engel	Janssen	Pedersen, Dw.	Schrock
Brown	Erdman	Johnson	Pederson, D.	Stuhr
Burling	Fischer	Kopplin	Preister	Synowiecki
Combs	Flood	Kremer	Price	Wehrbein

Voting in the negative, 2:

Chambers	Foley

Present and not voting, 4:

Bourne	Howard	Kruse	Thompson

Excused and not voting, 8:

Byars	Jensen	Langemeier	Smith
Connealy	Landis	Louden	Stuthman

The Hudkins motion to adopt the permanent rules, as amended, prevailed with 35 ayes, 2 nays, 4 present and not voting, and 8 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1016. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to social services; to amend section 68-1206, Reissue Revised Statutes of Nebraska; to change provisions relating to child care subsidies; and to repeal the original section.

LEGISLATIVE BILL 1017. Introduced by Kopplin, 3; Brown, 6; Jensen, 20; Pahls, 31; Dw. Pedersen, 39; Stuhr, 24.

A BILL FOR AN ACT relating to schools; to amend sections 79-238, 79-240, 79-241, 79-468, 79-469, and 79-1092, Reissue Revised Statutes of Nebraska, and sections 77-3442 and 79-409, Revised Statutes Supplement, 2005; to change tax levy limitations for school districts as prescribed; to modify provisions relating to transportation reimbursement for certain option students; to waive deadlines; to change and eliminate provisions relating to school districts in cities of the metropolitan class; to harmonize provisions; to repeal the original sections; to outright repeal section 79-535, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 1018. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to agriculture; to adopt the Nebraska Grape Resources Act; to create a fund; and to provide a penalty.

LEGISLATIVE BILL 1019. Introduced by Nebraska Retirement Systems Committee: Stuhr, 24, Chairperson; Erdman, 47; D. Pederson, 42; Price, 26; Synowiecki, 7.

A BILL FOR AN ACT relating to retirement systems; to amend sections 72-1237, 79-987, and 84-1503.02, Reissue Revised Statutes of Nebraska, sections 23-2301, 23-2319, 81-2026, 84-1301, and 84-1321, Revised Statutes Cumulative Supplement, 2004, and sections 79-958, 79-992, and 84-1503.03, Revised Statutes Supplement, 2005; to define and redefine terms; to change provisions relating to vesting, annuities, contribution amounts, refunds of contributions, and the Public Employees Retirement Board as prescribed; to change the terms of members of the Nebraska Investment Council as prescribed; to provide a duty for the School Employees Retirement System; to eliminate obsolete provisions; to repeal the original sections; and to outright repeal section 50-417.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1020. Introduced by Nebraska Retirement Systems Committee: Stuhr, 24, Chairperson; Erdman, 47; D. Pederson, 42; Price, 26; Synowiecki, 7.

A BILL FOR AN ACT relating to retirement systems; to amend section 79-966.01, Reissue Revised Statutes of Nebraska, and sections 24-703 and 81-2017, Revised Statutes Supplement, 2005; to provide for thirty-year amortization periods for defined benefit plans as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1021. Introduced by Nebraska Retirement Systems Committee: Stuhr, 24, Chairperson; Erdman, 47; D. Pederson, 42; Price, 26; Synowiecki, 7.

A BILL FOR AN ACT relating to retirement; to amend sections 2-1608, 23-2301, 23-2306, 23-2306.03, 23-2319, 84-1301, 84-1307, 84-1308, and 84-1321, Revised Statutes Cumulative Supplement, 2004, and sections 23-2308.01 and 84-1309.02, Revised Statutes Supplement, 2005; to change membership and contribution provisions relating to county and state retirement systems; to harmonize provisions; to repeal the original sections; and to outright repeal sections 23-2306.01 and 84-1326.02, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1022. Introduced by Nebraska Retirement Systems Committee: Stuhr, 24, Chairperson; Erdman, 47; D. Pederson, 42; Price, 26; Synowiecki, 7.

A BILL FOR AN ACT relating to the state investment officer; to eliminate provisions relating to investments in Northern Ireland and the MacBride

principles; and to outright repeal sections 72-1246.06, 72-1246.07, and 72-1246.08, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1023. Introduced by Nebraska Retirement Systems Committee: Stuhr, 24, Chairperson; Erdman, 47; D. Pederson, 42; Price, 26; Synowiecki, 7.

A BILL FOR AN ACT relating to health departments; to amend section 71-1631, Reissue Revised Statutes of Nebraska; to change provisions relating to retirement plans; and to repeal the original section.

LEGISLATIVE BILL 1024. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend sections 32-515, 32-543, 32-567, 32-1203, 32-1301, 32-1302, 77-1601.02, 77-1614, 77-1624, 77-1702, 77-1704.01, 77-1708, 77-1772, 77-1810, 77-1811, 77-1936, 77-2201, 77-2202, 77-5010, 79-101, 79-215, 79-216, 79-232, 79-233, 79-234, 79-237, 79-238, 79-239, 79-240, 79-241, 79-243, 79-244, 79-307, 79-458, 79-458.01, 79-467, 79-468, 79-469, 79-498, 79-527, 79-528, 79-535, 79-536, 79-549, 79-598, 79-599, 79-5,100, 79-5,102, 79-5,103, 79-5,104, 79-760, 79-979, 79-980, 79-981, 79-983, 79-984, 79-985, 79-986, 79-9,107, 79-9,108, 79-9,109, 79-9,115, 79-1008.02, 79-1024, 79-1027.01, 79-1029, 79-1030, 79-1033, 79-1074, 79-1075, 79-1079, 79-1080, 79-1083, 79-1084, 79-1085, 79-1086, 79-1092, 79-10,120, 79-10,126, 79-1201, 79-1202, 79-1206, 79-1207, 79-1208, 79-1209, 79-1210, 79-1211, 79-1212, 79-1213, 79-1215, 79-1217, 79-1220, 79-1223, 79-1230, 79-1232, and 79-1242, Reissue Revised Statutes of Nebraska, sections 13-503, 13-508, 13-511, 79-1001, 79-1005.01, 79-1008.01, and 79-1009, Revised Statutes Cumulative Supplement, 2004, and sections 77-3442, 79-102, 79-407, 79-408, 79-413, 79-415, 79-416, 79-433, 79-452, 79-470, 79-473, 79-479, 79-499, 79-611, 79-850, 79-1003, 79-1007.01, 79-1007.02, 79-1022, 79-1026, and 79-1028, Revised Statutes Supplement, 2005; to provide for learning communities; to adopt the Learning Community Reorganization Act; to harmonize provisions; to eliminate provisions relating to Class V school districts; to repeal the original sections; and to outright repeal sections 77-1933 and 79-1082, Reissue Revised Statutes of Nebraska, and sections 79-409 and 79-476, Revised Statutes Supplement, 2005.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs
Room 1507

LB 787	Wednesday, January 18, 2006	2:30 p.m.
LB 817	Wednesday, January 18, 2006	2:30 p.m.
LB 920	Wednesday, January 18, 2006	2:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Dw. Pedersen asked unanimous consent to add his name as cointroducer to LBs 770, 784, 806, 987, and 988. No objections. So ordered.

Senator Preister asked unanimous consent to add his name as cointroducer to LBs 790 and 842. No objections. So ordered.

Senator Foley asked unanimous consent to add his name as cointroducer to LB 988. No objections. So ordered.

Senator Cornett asked unanimous consent to add her name as cointroducer to LBs 770 and 942. No objections. So ordered.

Senator Stuthman asked unanimous consent to add his name as cointroducer to LBs 914 and 915. No objections. So ordered.

Senator Redfield asked unanimous consent to add her name as cointroducer to LB 914. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. David Hoelting from Pender.

ADJOURNMENT

At 3:27 p.m., on a motion by Speaker Brashear, the Legislature adjourned until 9:00 a.m., Wednesday, January 11, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SIXTH DAY - JANUARY 11, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 11, 2006

PRAYER

The prayer was offered by Pastor Doug Griger, United Methodist Church, Alliance.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Byars and Jensen who were excused; and Senators Cunningham, Heidemann, Landis, and Stuthman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 216, after line 4 insert:
"LB 823 Government, Military and Veterans Affairs (rereferred)"
Page 216, line 14, after "LB 869" strike "Appropriations" and insert "Health and Human Services".
The Journal for the third day was approved as corrected.

The Journal for the fifth day was approved.

GENERAL FILE

LEGISLATIVE BILL 454. The Standing Committee amendment, AM0810, printed separately and referred to on page 1076 and considered on page 1413, First Session, 2005, was renewed.

Senator Beutler renewed his pending amendment, AM1233, found on page 1217 and considered on page 1413, First Session, 2005, to the Standing Committee amendment.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1025. Introduced by Bourne, 8; Cornett, 45; Hudkins, 21; Dw. Pedersen, 39; Stuthman, 22; Synowiecki, 7.

A BILL FOR AN ACT relating to county jails; to amend section 47-119.01, Reissue Revised Statutes of Nebraska; to change provisions relating to state prisoner reimbursement; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1026. Introduced by Pahls, 31; Cornett, 45; Friend, 10.

A BILL FOR AN ACT relating to law enforcement; to amend section 84-712.05, Revised Statutes Supplement, 2005; to require employers to provide information regarding peace officer applicants; to provide limitations; to require confidentiality; to define terms; and to repeal the original section.

LEGISLATIVE BILL 1027. Introduced by Mines, 18.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend section 77-5725, Revised Statutes Supplement, 2005; to change employment and investment requirements; and to repeal the original section.

LEGISLATIVE BILL 1028. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services Finance and Support; and to declare an emergency.

LEGISLATIVE BILL 1029. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-741, Reissue Revised Statutes of Nebraska; to change bidding requirements for construction contracts; and to repeal the original section.

LEGISLATIVE BILL 1030. Introduced by Combs, 32.

A BILL FOR AN ACT relating to public parks; to provide for notice of inspection of public park buildings.

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

LB 766	Wednesday, January 18, 2006	1:30 p.m.
LB 833	Wednesday, January 18, 2006	1:30 p.m.
LB 838	Wednesday, January 18, 2006	1:30 p.m.
LB 882	Wednesday, January 18, 2006	1:30 p.m.
LB 908	Wednesday, January 18, 2006	1:30 p.m.

LB 844	Thursday, January 19, 2006	1:30 p.m.
LB 846	Thursday, January 19, 2006	1:30 p.m.
LB 884	Thursday, January 19, 2006	1:30 p.m.
LB 950	Thursday, January 19, 2006	1:30 p.m.
LB 951	Thursday, January 19, 2006	1:30 p.m.
LB 994	Thursday, January 19, 2006	1:30 p.m.

Thursday, January 19, 2006 1:30 p.m.
Joann Schaefer - Chief Medical Officer and Director of Regulation and Licensure
Ron Sorensen - Behavioral Health Administrator

LB 891	Friday, January 20, 2006	1:30 p.m.
LB 866	Friday, January 20, 2006	1:30 p.m.
LB 892	Friday, January 20, 2006	1:30 p.m.

(Signed) Jim Jensen, Chairperson

Natural Resources

Room 1525

Wednesday, January 18, 2006 1:30 p.m.
Mark Pinkerton - Game and Parks Commission

Friday, January 20, 2006 1:30 p.m.
David Hallberg - Nebraska Ethanol Board
Joseph Citta Jr. - Environmental Quality Council

(Signed) Ed Schrock, Chairperson

Revenue

Room 1524

LB 887	Wednesday, January 18, 2006	1:30 p.m.
LB 858	Wednesday, January 18, 2006	1:30 p.m.
LB 896	Wednesday, January 18, 2006	1:30 p.m.
LB 897	Wednesday, January 18, 2006	1:30 p.m.
LB 791	Wednesday, January 18, 2006	1:30 p.m.
LB 957	Wednesday, January 18, 2006	1:30 p.m.

(Signed) David Landis, Chairperson

GENERAL FILE

LEGISLATIVE BILL 454. The Beutler pending amendment, AM1233, found on page 1217, considered on page 1413, First Session, 2005, and in this day's Journal, to the Standing Committee amendment, was renewed.

SENATOR CUDABACK PRESIDING

PRESIDENT SHEEHY PRESIDING

Senator Chambers offered the following motion:
Recommit to Judiciary Committee.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1031. Introduced by Preister, 5.

A BILL FOR AN ACT relating to environmental protection; to adopt the Disposal of Electronic Devices Act; to provide for a civil penalty; to create a fund; and to provide severability.

LEGISLATIVE BILL 1032. Introduced by Preister, 5; Connealy, 16; Cornett, 45; Synowiecki, 7.

A BILL FOR AN ACT relating to community colleges; to amend sections 77-3442 and 85-1517, Revised Statutes Supplement, 2005; to change property tax levy provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1033. Introduced by Connealy, 16; Cunningham, 40; Flood, 19; Kremer, 34; Schrock, 38; Wehrbein, 2.

A BILL FOR AN ACT relating to ethanol; to amend section 66-1345, Revised Statutes Cumulative Supplement, 2004, and section 66-1345.04, Revised Statutes Supplement, 2005; to eliminate a provision relating to transfers and proration of fuel tax credits; to state intent relating to funding; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1034. Introduced by Brown, 6.

A BILL FOR AN ACT relating to foreign trade; to authorize payment or

partial payment to Nebraska by the Republic of Cuba in tobacco or tobacco products; and to provide for a lottery to determine retail outlets.

LEGISLATIVE BILL 1035. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to alcohol and drug counselors; to amend section 71-1,357, Revised Statutes Cumulative Supplement, 2004; to change license requirements; and to repeal the original section.

LEGISLATIVE BILL 1036. Introduced by Howard, 9; Aguilar, 35; Beutler, 28; Brown, 6; Combs, 32; Connealy, 16; Cornett, 45; Cudaback, 36; Cunningham, 40; Engel, 17; Fischer, 43; Flood, 19; Foley, 29; Hudkins, 21; Janssen, 15; Johnson, 37; Kruse, 13; Langemeier, 23; McDonald, 41; Mines, 18; Pahls, 31; Dw. Pedersen, 39; Price, 26; Raikes, 25; Schimek, 27; Schrock, 38; Stuhr, 24; Synowiecki, 7; Thompson, 14; Wehrbein, 2.

A BILL FOR AN ACT relating to health and human services; to require certain qualifications for new hires of child protection and safety workers, social workers, and trainees.

LEGISLATIVE BILL 1037. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to housing agencies; to amend section 71-1576, Reissue Revised Statutes of Nebraska; to provide for the selection of commissioners by city councils as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1038. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Nebraska State Fairgrounds; to amend section 2-104, Revised Statutes Cumulative Supplement, 2004; to prohibit certain leases as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1039. Introduced by McDonald, 41; Wehrbein, 2.

A BILL FOR AN ACT relating to the State Lottery Act; to amend section 9-801, Reissue Revised Statutes of Nebraska, and section 9-803, Revised Statutes Cumulative Supplement, 2004; to define a term; to provide limitations and requirements relating to advertising; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1040. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to legal service insurance corporations; to amend section 44-3311, Reissue Revised Statutes of Nebraska; to modify a reference; and to repeal the original section.

LEGISLATIVE BILL 1041. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to the Nebraska Cosmetology Act; to amend sections 71-3,173 and 71-3,176, Reissue Revised Statutes of Nebraska, and section 71-3,174, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to disciplinary actions; to provide for attorney's fees; to harmonize provisions; and to repeal the original sections.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 542. Placed on Select File as amended.
E & R amendment to LB 542:
AM7136

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. The Legislature finds that there are significant issues relating to tax policy that need to be reviewed periodically. The Legislature also finds that a tax policy reform commission which is responsible for studying Nebraska's tax structure, reviewing implications for the future, ensuring the retention of institutional knowledge about Nebraska's tax policy, and providing recommendations for sound tax policy for the future is essential to the long-term growth of the state's economy and the survival of the state's public institutions.

Sec. 2. The Tax Policy Reform Commission is created. The commission shall have sixteen members appointed as follows:

(1) Eight members of the Legislature appointed by the Executive Board of the Legislative Council;

(2) One economist appointed by the Governor;

(3) One representative of production agriculture appointed by the Governor;

(4) One representative of industry and manufacturing appointed by the Governor;

(5) One representative of the labor sector appointed by the Executive Board of the Legislative Council;

(6) One representative of the telecommunications sector appointed by the Governor;

(7) One representative of the low-income sector appointed by the Executive Board of the Legislative Council;

(8) The Director of Economic Development; and

(9) The Tax Commissioner.

Sec. 3. The Tax Policy Reform Commission shall elect a chairperson from among its members. The commission shall meet quarterly or more often if the chairperson determines additional meetings are necessary to accomplish the objectives established in this act giving consideration to the funds appropriated. Members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1176.

Sec. 4. The Tax Policy Reform Commission shall:

(1) Evaluate current Nebraska tax policies and how

they relate to generally recognized tax policies of adequacy, equity, economic competitiveness, simplicity, and accountability and recommend improvements;

(2) Examine household tax burdens and business tax burdens as compared to the United States as a whole and nearby states and recommend improvements;

(3) Examine nominal tax rates as compared to the United States as a whole and nearby states and recommend improvements;

(4) Evaluate current business tax incentive programs and recommend improvements;

(5) Examine the impact of changes in the fundamentals of the Nebraska economy on the revenue adequacy and stability for the state and recommend improvements;

(6) Examine demographic changes taking place in the state, anticipate the effects such changes have on the revenue adequacy and stability for the state in the future, and recommend improvements;

(7) Examine previous studies, including the Comprehensive Tax Study done by Syracuse University from 1986 to 1988, and ascertain whether any recommendations from such studies can be utilized in the commission's research; and

(8) Issue a preliminary report to the Executive Board of the Legislative Council, the Revenue Committee of the Legislature, and the Governor by December 15, 2006, containing the commission's preliminary findings and recommendations, and issue a final report to the executive board, the committee, and the Governor by November 15, 2007, containing any recommendations for legislation to reform tax policy and, if appropriate, draft proposed language for legislation.

Sec. 5. The Tax Policy Reform Commission may hold hearings throughout the state for purposes of receiving input from the public on the issues identified in section 4 of this act.

Sec. 6. (1) Employees of the Department of Revenue, the Department of Property Assessment and Taxation, and the Legislative Council shall be available to the Tax Policy Reform Commission to assist it in carrying out its work. The commission shall contract with a meeting facilitator and may contract with experts from any institution of postsecondary education in the state to provide assistance, specific research, research or policy reports, or presentations to carry out the purposes of section 4 of this act, within the constraints of the appropriation provided.

(2) Funding for the commission shall be appropriated to the Legislative Council and shall not exceed one hundred thousand dollars.

Sec. 7. This act terminates on December 31, 2007.

Sec. 8. Since an emergency exists, this act takes effect when passed and approved according to law.

2. On page 1, line 2, after the second semicolon insert "to provide a termination date;".

(Signed) Michael Flood, Chairperson

AMENDMENT - Print in Journal

Senator Preister filed the following amendment to LB 900:
AM1856

1. Strike the original sections and insert the following new sections:

Section 1. Section 84-1409, Revised Statutes Cumulative Supplement, 2004, is amended to read:

84-1409. For purposes of the Open Meetings Act, unless the context otherwise requires:

(1)(a) Public body means (i) governing bodies of all political subdivisions of the State of Nebraska, (ii) governing bodies of all agencies, created by the Constitution of Nebraska, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (iii) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies created by the Constitution of Nebraska, statute, or otherwise pursuant to law, (iv) all study or advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as special committees with limited existence, (v) advisory committees of the bodies referred to in subdivisions (i), (ii), and (iii) of this subdivision, and (vi) instrumentalities exercising essentially public functions.

(b) Public body does not include (i) subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent body ~~, (ii) entities conducting judicial proceedings unless a court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders, and (iii)~~ (ii) the Policy Cabinet created in section 81-3009;

(2) Meeting means all regular, special, or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body; and

(3) Videoconferencing means conducting a meeting involving participants at two or more locations through the use of audio-video equipment which allows participants at each location to hear and see each meeting participant at each other location, including public input. Interaction between meeting participants shall be possible at all meeting locations.

Sec. 2. Original section 84-1409, Revised Statutes Cumulative Supplement, 2004, is repealed.

VISITORS

Visitors to the Chamber were former Senator Howard Lamb from Anselmo; and Diane and Dick Hatterman from Holdrege.

RECESS

At 11:48 a.m., on a motion by Senator Cudaback, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Byars and Jensen who were excused; and Senators Beutler, Brown, Cunningham, Kremer, Mines, D. Pederson, Thompson, and Wehrbein who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB 934	Agriculture (rereferred)
LB 998	Education
LB 999	Health and Human Services
LB 1000	Judiciary
LB 1001	Judiciary
LB 1002	Health and Human Services
LB 1003	Revenue
LB 1004	General Affairs
LB 1005	Revenue
LB 1006	Revenue
LB 1007	Transportation and Telecommunications
LB 1008	Transportation and Telecommunications
LB 1009	Judiciary
LB 1010	Revenue
LB 1011	Revenue
LB 1012	Education
LB 1013	Government, Military and Veterans Affairs
LB 1014	Judiciary
LB 1015	Appropriations
LB 1016	Health and Human Services
LB 1017	Education
LB 1018	Agriculture
LB 1019	Nebraska Retirement Systems
LB 1020	Nebraska Retirement Systems

LB 1021 Nebraska Retirement Systems
LB 1022 Nebraska Retirement Systems
LB 1023 Nebraska Retirement Systems
LB 1024 Education

(Signed) Pat Engel, Chairperson
Legislative Council, Executive Board

GENERAL FILE

LEGISLATIVE BILL 454. The Chambers pending motion, found in this day's Journal, to recommit to Judiciary Committee, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Senator Chambers requested a roll call vote on his motion to recommit.

Voting in the affirmative, 3:

Kruse	Schimek	Thompson

Voting in the negative, 32:

Aguilar	Connealy	Foley	Louden	Smith
Baker	Cornett	Friend	Mines	Stuhr
Beutler	Cunningham	Heidemann	Pahls	Stuthman
Bourne	Engel	Hudkins	Pedersen, Dw.	Synowiecki
Brashear	Erdman	Janssen	Pederson, D.	
Burling	Fischer	Kremer	Redfield	
Combs	Flood	Langemeier	Schrock	

Present and not voting, 9:

Brown	Cudaback	Johnson	Preister	Raikes
Chambers	Howard	Kopplin	Price	

Excused and not voting, 5:

Byars	Jensen	Landis	McDonald	Wehrbein

The Chambers motion to recommit failed with 3 ayes, 32 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1042. Introduced by Cornett, 45; Preister, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3512, Reissue Revised Statutes of Nebraska, and sections 77-1502, 77-1507, 77-1514, 77-3513, and 77-3514, Revised Statutes Supplement, 2005; to provide powers to the county board of equalization regarding certain property tax deadlines; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1043. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1344, Revised Statutes Supplement, 2005; to change provisions relating to special valuation of agricultural or horticultural land; and to repeal the original section.

LEGISLATIVE BILL 1044. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Victim's Compensation Fund; to amend section 81-1835, Reissue Revised Statutes of Nebraska, and section 83-183, Revised Statutes Cumulative Supplement, 2004; to provide for a percentage of wages earned by inmates in a work release program to be deposited in the fund as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1045. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,191, Reissue Revised Statutes of Nebraska, section 13-203, Revised Statutes Cumulative Supplement, 2004, and sections 77-27,187.01, 77-5903, and 81-12,127, Revised Statutes Supplement, 2005; to define and redefine terms; to change provisions relating to investment increases in property and the Building Entrepreneurial Communities Act; to provide an operative date; to repeal the original sections; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 263. Introduced by Flood, 19.

WHEREAS, Madison County was named by an act of the territorial legislature on January 26, 1856; and

WHEREAS, Madison County was named for the fourth President of the United States, James Madison; and

WHEREAS, Madison County is home to the following communities: Norfolk, Madison, Battle Creek, Tilden, Newman Grove, Meadow Grove,

and Enola; and

WHEREAS, Madison County was home to many notable public figures throughout the years, including Senator William Allen, who served in the United States Senate; Karl Stefan, who served as a United States Congressman; Richie Ashburn, who played major league baseball; and Johnny Carson, who hosted the NBC Tonight Show; and

WHEREAS, the first homestead entry in Madison County was recorded May 14, 1867, by William Boche for one hundred sixty acres; and

WHEREAS, the Madison County Historical Society was organized on January 10, 1928, to preserve the historical material of the county; and

WHEREAS, the Square Turn Tractor was manufactured in Norfolk in 1913 and is on display at the Elkhorn Valley Museum.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the history of Madison County, Nebraska, be celebrated and honored on the county's 150th birthday, January 26, 2006.

2. That the residents of Madison County, both those who have gone before us and the residents of today, be recognized for their contribution to the prosperity and quality of life in Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 264. Introduced by Pahls, 31.

WHEREAS, the Millard North Mustangs won the 2005 Class A football championship; and

WHEREAS, the Millard North Mustangs have won the Class A football championship two out of the last three years; and

WHEREAS, Millard North defeated Lincoln Southwest in front of a record finals crowd of 12,557 in Memorial Stadium; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Millard North Mustangs on their success.

2. That a copy of this resolution be sent to the Millard North Mustangs football team and their coach, Fred Petito.

Laid over.

LEGISLATIVE RESOLUTION 265. Introduced by Beutler, 28.

WHEREAS, Lincoln High School placed first in Class A at the 2005 Nebraska State One-Act Competition; and

WHEREAS, this is the third consecutive year Lincoln High School placed first in the state competition; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Lincoln High School One-Act team be congratulated on their success.

2. That a copy of this resolution be sent to the Lincoln High School One-Act team and their coaches.

Laid over.

LEGISLATIVE RESOLUTION 266. Introduced by Heidemann, 1.

WHEREAS, the 2004 Syracuse cross-country team took first place in the Class C state championship; and

WHEREAS, Coach Rich Ziegler was named 2004 cross-country coach of the year; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the members of the 2004 Syracuse cross-country team: Thomas Neeman, Ben Kriefels, Jon Sporhase, Kodi Smith, Brian Copley, and Andy Stilmock.

2. That a copy of this resolution be sent to the 2004 Syracuse cross-country team and their coach, Rich Ziegler.

Laid over.

LEGISLATIVE RESOLUTION 267. Introduced by Heidemann, 1.

WHEREAS, the 2005 Syracuse cross-country team took first place in the Class C state championship; and

WHEREAS, this is the second year in a row the Syracuse cross-country team has won the Class C state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the members of the 2005 Syracuse cross-country team: Brian Copley, Kodi Smith, Jon Sporhase, Adam Post, Andy Stilmock, and Jeremy Wilkinson.

2. That a copy of this resolution be sent to the 2005 Syracuse cross-country team and their coach, Rich Ziegler.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 454. Senator Chambers offered the following motion:
Reconsider the vote taken to recommit to the Judiciary Committee.

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Senator Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 7:

Chambers	Kopplin	Raikes	Thompson
Howard	Kruse	Schimek	

Voting in the negative, 31:

Aguilar	Cornett	Heidemann	Pahls	Stuthman
Baker	Cunningham	Hudkins	Pedersen, Dw.	Synowiecki
Bourne	Engel	Kremer	Pederson, D.	Wehrbein
Brashear	Erdman	Langemeier	Redfield	
Brown	Fischer	Louden	Schrock	
Combs	Flood	McDonald	Smith	
Connealy	Foley	Mines	Stuhr	

Present and not voting, 5:

Beutler	Cudaback	Johnson	Preister	Price

Excused and not voting, 6:

Burling	Friend	Jensen
Byars	Janssen	Landis

The Chambers motion to reconsider failed with 7 ayes, 31 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1046. Introduced by Connealy, 16; Mines, 18; Pahls, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.22, Revised Statutes Supplement, 2005; to provide a sales tax exemption relating to manufacturing machinery and equipment; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1047. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-311.04, Reissue Revised Statutes of Nebraska, and sections 28-311.02 and 28-311.03, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to stalking; to define terms; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1048. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to gambling; to amend sections 9-307, 9-313, 9-317, 9-332, 9-332.01, 9-333, 9-334, 9-336, 9-337, 9-340, 9-342, 9-343, 9-345.02, 9-348, 9-350, 9-351, 9-352, 28-1101, and 77-3001, Reissue Revised Statutes of Nebraska, and sections 9-301, 9-303, 9-304, 9-315, 9-322, 9-329.02, 9-331, 9-338, 9-340.02, 9-345.01, 9-345.03, 9-346, 9-347, and 9-349, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to the Nebraska Pickle Card Lottery Act; to authorize the use of electronic pickle card devices as prescribed; to define and redefine terms; to provide and change powers and duties; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 1049. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to educational telecommunications; to amend section 79-1319, Reissue Revised Statutes of Nebraska; to change provisions related to lease arrangements involving Nebraska Educational Telecommunications Commission facilities; and to repeal the original section.

LEGISLATIVE BILL 1050. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to schools; to provide for a study relating to countywide school districts.

AMENDMENTS - Print in Journal

Senator Thompson filed the following amendment to LB 454:
AM1870
(Amendments to Standing Committee amendments, AM0810)

1. On page 6, lines 5 and 6, strike "or a similar law of another jurisdiction or is not currently adjudged mentally incompetent".

Senator Beutler filed the following amendment to LB 529:
(Amendment, AM1795, is printed separately and available in the Bill Room,

Room 1104.)

Senator Chambers filed the following amendments to LB 454:
FA337
Amend AM0810
1. P. 2, line 2 after "officer" insert "when in uniform and on property under the jurisdiction of Game and Parks".

FA338
Amend AM0810
1. P. 1, line 20 strike "town marshal".

FA339
Amend AM0810
1. P. 2, lines 2-3 strike "and all other persons with similar authority to make arrests".

FA340
Amend AM0810
1. P. 2, line 3 add "provided that all persons designated in this subsection shall be in uniform and specify his or her status or position of authority".

FA341
Amend AM0810
1. P. 1, line 11 after "handgun" insert "including a bulge caused by the handgun".

FA342
Amend AM0810
1. P. 1, lines 17-18 strike "with a barrel less than sixteen inches in length or any firearm"

FA343
Amend AM0810
1. P. 3, line 19 strike "in which he or she resides or the county".

FA344
Amend AM0810
1. P. 2, line 27 after "name" insert "using no initials or abbreviations".

FA345
Amend AM0810
1. P. 3, line 1 strike "address" and insert "street address and where applicable, apartment number but not a post office box number".

FA346
Amend AM0810
1. P. 4, line 12 strike "competency" and insert "proficiency"; line 14 strike ", state, and local laws" and insert "and state laws and local ordinances"; in line 17 strike ", state, and local laws" and insert "and state laws and local ordinances".

FA347
Amend AM0810
1. P. 7, line 10 strike "five" and insert "two".

FA348
Amend AM0810

1. P. 8, line 1 after "cause" insert "to believe".

FA349
Amend AM0810

1. P. 9, line 4 add "If a permitholder does not produce a Nebraska driver's license or Nebraska-issued identification card when asked to do so by a peace officer, the peace officer shall take possession of the handgun and provide a dated receipt which includes the make, model, caliber and serial number of the handgun and the location where the handgun shall be deposited by the peace officer. When the permitholder produces a Nebraska driver's license or Nebraska-issued identification card, the handgun shall be returned to the permitholder."

FA350
Amend AM0810

1. P. 5, line 8 strike "discernible" and insert "observable"; in line 9 after "safely" insert "and proficiently".

NOTICE OF COMMITTEE HEARINGS
Judiciary
Room 1113

LB 770	Wednesday, January 18, 2006	1:30 p.m.
LB 802	Wednesday, January 18, 2006	1:30 p.m.
LB 826	Wednesday, January 18, 2006	1:30 p.m.
LB 841	Wednesday, January 18, 2006	1:30 p.m.
LB 982	Wednesday, January 18, 2006	1:30 p.m.
LB 772	Thursday, January 19, 2006	1:30 p.m.
LB 774	Thursday, January 19, 2006	1:30 p.m.
LB 777	Thursday, January 19, 2006	1:30 p.m.
LB 925	Thursday, January 19, 2006	1:30 p.m.
LB 932	Thursday, January 19, 2006	1:30 p.m.
LB 824	Friday, January 20, 2006	1:30 p.m.
LB 825	Friday, January 20, 2006	1:30 p.m.
LB 1001	Friday, January 20, 2006	1:30 p.m.
LB 1014	Friday, January 20, 2006	1:30 p.m.

(Signed) Patrick J. Bourne, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Connealy asked unanimous consent to add his name as cointroducer to LB 1027. No objections. So ordered.

Senator Engel asked unanimous consent to add his name as cointroducer to LB 828. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB 902. No objections. So ordered.

Senator Aguilar asked unanimous consent to add his name as cointroducer to LB 1025. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Bob Rauner from Lincoln.

ADJOURNMENT

At 3:44 p.m., on a motion by Speaker Brashear, the Legislature adjourned until 9:30 a.m., Thursday, January 12, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTH DAY - JANUARY 12, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 12, 2006

PRAYER

The prayer was offered by Pastor Christopher Lake, Prince of Peace Lutheran Church, Geneva.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:30 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Beutler, Landis, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixth day was approved.

AMENDMENT - Print in Journal

Senators Schrock and Beutler filed the following amendment to LB 548:
AM1864

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Sections 1 to 17 of this act shall be known and may be cited as the Public Entities Mandated Project Charges Act.

Sec. 2. For purposes of the Public Entities Mandated Project Charges Act, the definitions found in sections 3 to 11 of this act apply.

Sec. 3. Financing costs means:

(1) Interest, including, but not limited to, capitalized interest, and redemption premiums that are payable on mandated project bonds;

(2) The cost of retiring or refunding a public entity's existing debt in connection with the issuance of mandated project bonds, but only to the extent the debt was issued for the purposes of financing mandated project costs;

(3) Any cost related to the issuing and servicing of mandated project bonds, including, but not limited to, servicing fees, trustee fees, legal fees, administrative fees, bond counsel fees, bond placement or underwriting fees, remarketing fees, broker dealer fees, payments under an interest rate swap agreement, financial advisor fees, accounting or engineering report fees, and rating agency fees;

(4) Any expense associated with any bond insurance policy, credit enhancement, or other financial arrangement entered into in connection with the issuance of mandated project bonds; and

(5) The funding of one or more reserve accounts related to mandated project bonds.

Sec. 4. Mandate means a requirement imposed by a statute of the United States or the State of Nebraska, a rule, a regulation, an administrative or a judicial order, a licensing requirement or condition, any agreement with or requirement of a regional transmission organization, or any consent order or agreement between the United States or the State of Nebraska, or any agency thereof, and a public entity.

Sec. 5. Mandated project means the construction, retrofitting, rebuilding, acquisition, or installation of any equipment, device, structure, improvement, process, facility, technology, or other property owned, licensed, or controlled by a public entity or operated for the benefit of a public entity through a power participation or purchase agreement, either within or outside the State of Nebraska, and used in connection with a new or existing facility related to electrical power generation, transmission, or distribution, which construction, retrofitting, rebuilding, acquisition, or installation is undertaken to satisfy a mandate, including, but not limited to, any equipment, device, structure, improvement, process, facility, technology, or other property related to environmental pollution control, safety, or useful life extension of an existing plant or facility.

Sec. 6. Mandated project bonds means bonds, notes, or other evidences of indebtedness that are issued by a public entity, the proceeds of which are used directly or indirectly to pay or reimburse mandated project costs and financing costs and which bonds are secured by and payable from mandated project charges.

Sec. 7. Mandated project charge means a charge paid by customers of a public entity to pay or reimburse the public entity for mandated project costs, including any adjustment of the charge pursuant to subdivision (1)(d) of section 12 of this act, or financing costs.

Sec. 8. Mandated project costs means capital costs incurred or to be incurred by a public entity with respect to a mandated project, including the payment of debt service on mandated project bonds, either directly or through a power participation or purchase agreement, and any related operating expenses.

Sec. 9. Public entity means a municipality, a registered

group of municipalities, a public power district, a public power and irrigation district, an electric cooperative, an electric membership association, a joint entity formed under the Interlocal Cooperation Act, a joint public agency formed under the Joint Public Agency Act, an agency formed under the Municipal Cooperative Financing Act, or any other governmental entity.

Sec. 10. Related operating expenses means any necessary operating expenses of a project or system required to be paid from the mandated project charge by an order of a court pursuant to 11 U. S. C. 928(b), as such section existed on January 1, 2006.

Sec. 11. Special revenue has the definition found in 11 U. S. C. 902(2) as such section existed on January 1, 2006.

Sec. 12. (1) A public entity may elect to pay or reimburse mandated project costs and financing costs through the use of mandated project charges. Public entities are hereby authorized to impose and collect mandated project charges as provided in the Public Entities Mandated Project Charges Act. The election to use mandated project charges shall be made and evidenced by the adoption of a resolution of the governing body of the public entity authorizing the mandated project as set forth in the public entity's capital budget. The authorizing resolution shall include the following:

(a) A statement that the project is a mandated project and a description of the mandate that will be addressed by the mandated project;

(b) A statement that the public entity is electing to pay or reimburse the mandated project costs and financing costs with mandated project charges in accordance with the Public Entities Mandated Project Charges Act;

(c) An authorization to add a separate charge to each customer's electric service bill, representing such customer's portion of the mandated project charge;

(d) A description of the financial calculation, formula, or other method that the public entity utilizes to determine the mandated project charges that customers will be required to pay for the mandated project, including a periodic adjustment method, applied at least annually, that shall be utilized by the public entity to correct for any overcollection or undercollection of such mandated project charges or any other adjustment necessary to assure payment of debt service on mandated project bonds, including, but not limited to, the adjustment of the mandated project charges to pay related operating expenses and any debt service coverage requirement. The financial calculation, formula, or other method, including the periodic adjustment method, established in the authorizing resolution pursuant to this subdivision, and the allocation of mandated project charges to and among its customers, shall be decided solely by the governing body of the public entity and shall be final and conclusive, subject to the procedures set forth in subsection (4) of this section.

In no event shall the periodic adjustment method established in the authorizing resolution pursuant to this subdivision be applied less frequently than required by the governing documents of any mandated project bonds issued to finance the mandated project. Once the financial calculation, formula, or other method for determining the mandated project charges, and the periodic adjustment method, have been established in the authorizing resolution and have become final and conclusive as provided in the act, they shall not be changed; and

(e) If mandated project bonds are to be issued for the mandated project, a requirement that the public entity shall enter into a servicing agreement for the bonds with a trustee selected by the governing body and the public entity shall act as a servicing agent for purposes of collecting the mandated project charges. Money collected by the public entity, acting as a servicing agent on behalf of a trustee, shall be held for the exclusive benefit of holders of mandated project bonds.

(2) The determination of the governing body that a project is a mandated project shall be final and conclusive, and any mandated project bonds issued and mandated project charges imposed relating to such determination shall be valid and enforceable in accordance with their terms. The public entity shall require, in its authorizing resolution with respect to mandated project charges, that so long as any customer obtains electric distribution service from the public entity, the customer shall pay the mandated project charge to the public entity regardless of whether or not the customer obtains electric energy service from the public entity or another energy supplier other than the public entity. All provisions of the authorizing resolution adopted pursuant to this section shall be binding on the public entity and on any successor or assignee of the public entity.

(3) The timely and complete payment of all mandated project charges shall be a condition of receiving electric service for customers of the public entity, and the public entity shall be authorized to use its established collection policies and all rights and remedies provided by the law to enforce payment and collection of the mandated project charges. In no event shall any customer of a public entity be entitled or authorized to withhold payment, in whole or in part, of any mandated project charges for any reason.

(4) The secretary or other duly designated officer of the governing body of the public entity shall prepare and maintain a complete record of all documents submitted to and all oral and written comments made to the governing body in connection with an authorizing resolution adopted pursuant to this section. Within ten days after adoption of an authorizing resolution, an aggrieved party may file a petition for judicial review in the Supreme Court and pay the docket fee established in section 33-103. The petition shall name the public entity as the respondent and shall be served

upon the public entity in the manner provided by law for service of process. Within ten business days after service of the petition for judicial review upon the public entity, the secretary or other duly designated officer of the public entity shall prepare and file with the Clerk of the Supreme Court, at the public entity's expense, the record of all documents submitted to and all oral and written comments made to the governing body in connection with the authorizing resolution. Judicial review pursuant to this subsection shall be based solely upon the record submitted by the public entity, and briefs to the court shall be limited to determining whether the financial calculation, formula, or other method adopted by the public entity pursuant to subdivision (1)(d) of this section is a fair, reasonable, and nondiscriminatory allocation to the public entity's customers of the mandated project charges needed to pay for the mandated project. Because the process of judicial review may delay the issuance of mandated project bonds to the financial detriment of customers of the public entity, the Supreme Court shall proceed to hear and determine a petition for judicial review under this section as expeditiously as practicable and shall give the matter precedence over other civil matters on the docket. The authorizing resolution shall become final and conclusive if there is no petition for judicial review filed within the time set forth in this subsection or upon the effective date of the court's decision in favor of the public entity. If the court rules against the public entity on a petition for judicial review under this subsection, the public entity's authorizing resolution shall be void and of no further force or effect.

For purposes of this subsection, aggrieved party means a retail customer of the public entity that receives electric service pursuant to a published rate schedule.

Sec. 13. (1) A public entity has the authority to issue mandated project bonds, including refunding bonds, in one or more series. Mandated project charges to which the public entity may at any time be entitled shall be pledged, without any necessity for specific authorization of the pledge by the public entity, to the mandated project bonds. Each such series of mandated project bonds shall be secured by and payable from a first lien on mandated project charges pledged for such purpose. Any separate consensual lien or security interest shall be created in accordance with and governed by the Nebraska Governmental Unit Security Interest Act. The proceeds of such bonds shall be applied exclusively to payment of mandated project costs and financing costs and, in the case of proceeds of refunding bonds, the retirement or defeasance of mandated project bonds.

(2) The public entity and any successor or assignee of the public entity shall be obligated to impose and collect the mandated project charges in amounts sufficient to pay debt service on the mandated project bonds as due. The pledge of mandated project charges shall be irrevocable, and the state, the public

entity, or any successor or assignee of the public entity may not reduce, impair, or otherwise adjust mandated project charges, except that the public entity and any successor or assignee thereof shall implement the periodic adjustment method established by the authorizing resolution pursuant to subdivision (1)(d) of section 12 of this act. Revenue from mandated project charges shall be deemed special revenue and shall not constitute revenue of the public entity for purposes of any pledge of revenue, receipts, or other income that such public entity has made or will make for the security of debt other than the mandated project bonds to which the revenue from the mandated project charges is expressly pledged.

Sec. 14. Mandated project charges shall be applied exclusively for the purpose of paying mandated project costs, including any adjustments or such charges pursuant to subdivision (1)(d) of section 12 of this act, and financing costs.

Sec. 15. A public entity undertaking a mandated project is not required to pay or reimburse the costs of the mandated project with mandated project charges, and such public entity is not required to issue mandated project bonds. The use of mandated project charges and issuance of mandated project bonds are elective actions wholly within the discretion of the public entity.

Sec. 16. A public entity collecting mandated project charges shall annually provide its customers with a concise explanation of mandated project charges billed to customers. Such explanation may be by billing insert, web site information, or other appropriate means.

Sec. 17. The Public Entities Mandated Project Charges Act and all grants of power and authority in the act shall be liberally construed to effectuate their purpose, and all incidental powers necessary to carry into effect the provisions of the act are expressly granted to and conferred upon public entities.

Sec. 18. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1051. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-121, 77-125, 77-126, and 77-129, Reissue Revised Statutes of Nebraska, section 77-123, Revised Statutes Cumulative Supplement, 2004, and sections 77-201 and 77-202, Revised Statutes Supplement, 2005; to eliminate property taxation of personal property; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-119, 77-1201, and 77-1229.01, Reissue Revised Statutes

of Nebraska, and section 77-1229, Revised Statutes Supplement, 2005.

LEGISLATIVE BILL 1052. Introduced by Revenue Committee: Landis, 46, Chairperson; Baker, 44; Connealy, 16; Cornett, 45; Janssen, 15; Preister, 5; Raikes, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,117, Reissue Revised Statutes of Nebraska; to change a statute of limitations; and to repeal the original section.

LEGISLATIVE BILL 1053. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to agriculture; to adopt the Specialty Crop Development Act; to create a fund; and to state funding intent.

GENERAL FILE

LEGISLATIVE BILL 764. Title read. Considered.

Advanced to E & R for review with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 765. Title read. Considered.

Advanced to E & R for review with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1054. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-905, Reissue Revised Statutes of Nebraska; to change building regulation provisions; and to repeal the original section.

LEGISLATIVE BILL 1055. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Supplement, 2005; to provide filing requirements for certain sales tax exemptions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1056. Introduced by Raikes, 25; Hudkins, 21.

A BILL FOR AN ACT relating to highways and bridges; to amend sections 39-2507 and 39-2517, Reissue Revised Statutes of Nebraska; to modify factors and weights used to determine amounts allocated to municipalities

and counties for road purposes; and to repeal the original sections.

LEGISLATIVE BILL 1057. Introduced by Brown, 6; Stuthman, 22.

A BILL FOR AN ACT relating to economic development; to amend sections 39-2507, 39-2517, and 77-27,132, Reissue Revised Statutes of Nebraska; to create the Roads to Economic Development Fund; to provide for its use; to change distribution of certain sales and use tax proceeds and road and street funds; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1058. Introduced by Flood, 19; Baker, 44; Byars, 30; Cunningham, 40; Erdman, 47; Fischer, 43; Howard, 9; Johnson, 37; Stuthman, 22.

A BILL FOR AN ACT relating to emergency medical services; to amend section 71-5186, Reissue Revised Statutes of Nebraska; to change requirements for certified personnel to occupy ambulances; and to repeal the original section.

LEGISLATIVE BILL 1059. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to emergency management; to amend section 81-829.51, Reissue Revised Statutes of Nebraska; to provide emergency expenditure procedures for school districts; and to repeal the original section.

PRESIDENT SHEEHY PRESIDING

MOTION - Escort Governor

Senator Stuthman moved that a committee of five be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver his State of the State Address.

The motion prevailed.

The Chair appointed Senators Baker, Cornett, Engel, Fischer, and Landis to serve on said committee.

STATE OF THE STATE ADDRESS

"The focus of this session should be to provide meaningful and sustainable tax relief for individual Nebraskans and their families."

Mr. President, Mr. Speaker, Members of the Legislature, Tribal Chairmen, Distinguished Guests, Friends and Fellow Nebraskans: I am pleased today to join this 99th Legislature at the beginning of a unique session.

This may be the last time that any Governor will look upon this body and see a group of people with so much institutional knowledge. I am enthusiastic and optimistic about another opportunity to work with you in the best interests of Nebraskans, because we have accomplished so much together in so short a time.

This is a good time to govern in Nebraska. Our economy is growing, and our schools continue to educate students who are well-prepared for the workforce and beyond. As a state, we are continuing to work on the difficult issues of the day, to find common ground and common-sense solutions, both of which are valued traditions in our state. Because the state is headed in the right direction, we have a golden opportunity to keep faith with Nebraska taxpayers.

The focus of this session should be to provide meaningful and sustainable tax relief for individual Nebraskans and their families. I recognize that you will be under tremendous pressure to pursue additional spending, but I stand here today to make the case for tax relief and spending restraint.

We must separate what we'd like to do from what we need to do. Clearly, now is the time for tax relief. The question at hand is not whether we should provide tax relief, but only a question of what kind of tax relief we should provide. The package I'm proposing is designed to provide more than $420 million in significant relief over the next three fiscal years. My proposal has three important components – income, sales and property tax relief. People would pay approximately 3 percent less in income taxes across the board. That's $50 million a year. I want to express my gratitude to Senator Pam Redfield, who has agreed to carry the income tax portion of my proposal during her final legislative session.

We all know what is at stake. For Nebraska to continue growing, our state must continue to improve its tax climate for individuals and businesses, and we must be willing in this globally competitive environment, to adjust to new circumstances quickly and intelligently.

The next component of my proposal would eliminate the sales tax on construction labor that penalizes individuals and entrepreneurs for improving their homes and businesses. I am thankful and gratified that my own state senator, Senator Ray Janssen, has agreed to carry this initiative.

The third component is sponsored by Senator Pat Bourne and would accelerate the property tax relief originally planned for 2009, by investing more than $170 million in state aid to schools and lowering the levy lid two years ahead of schedule. That represents meaningful and sustainable relief.

My goal is simple: to keep Nebraska growing and to make our state an even better place to live, to work and to raise a family.

While I am partial to my proposal, I am open to any and all meaningful and sustainable ideas for individual tax relief. That is why I was so pleased when Senator Dave Landis offered his own plan, and a host of others have come forward with additional ideas, because when state government is talking tax relief, that is good news for all Nebraskans.

This session is also unique for the challenges that we must confront. We need to determine the best solution in the fight to protect our children from those who would seek to do them harm by having a statewide conversation about how we can protect our families from sexual predators. Ours is a goal that cannot be accomplished simply, or easily, but no parent needs to be reminded of the cost of complacency. We have come a long way in dealing with sexual predators, yet more can and should be done. We want Nebraska's children to enjoy their schools and neighborhoods without fear. We want parents to worry about their children getting good grades in math and science, not whether their children will come home safe.

I have confidence that Senator Bourne's experience and leadership in this arena will be met with success, as it was one year ago with the enactment of Nebraska's tough anti-meth legislation.

Last year, this body passed LB 117 and I am pleased today to share with you that our law is already making a substantial dent in the problems posed by domestic meth labs. During the first ninety days of implementation of LB 117, the state has seen a decrease of more than 60 percent in reported meth labs over the same period, just one year ago. Yet there is more work to be done. We need to discuss the next step in the fight against methamphetamine. Meth addiction has destroyed families. That's why it is so important that we come together to confront this problem. An independent study says we need to fund a meth treatment facility, and I agree.

In addition to these important public safety aims, we need to examine how Nebraska serves the vulnerable young people who have become our state wards, and especially the job we are doing for those in foster care; that's why my budget proposes an independent study of how our system is performing and of how our state can improve its efforts. This independent study needs to analyze all of our efforts, from the Health and Human Services System to the courts, from the Foster Care Review Board to other service providers. We need to identify whether there are more effective and efficient ways to organize Nebraska's foster care system.

Another challenge our state faces in addressing the health and well-being of Nebraskans is the rising cost of funding Medicaid. If we do not address this issue soon, we will have no room left in the budget for other important priorities, including the education and economic vitality of our state. I have directed our Health and Human Services System to begin the steps necessary to provide community-based Medicaid services as an alternative to institutional care. We have already achieved significant budget savings by encouraging the use of generic drugs and prior authorization, and seeking similar opportunities for taxpayer savings is a priority for this administration. Our efforts, if successful, will ensure that children, seniors and the disabled in Nebraska will continue to receive the protection this program provides without fear for its future.

The ongoing dilemma of school district boundaries continues to affect the schools in our smallest communities, as well as those in our state's largest city. If poverty and the concentration of English Language Learners are the real reasons behind the division in Omaha, then we should – as a state – discuss how we can better target our resources to address those specific needs. We all know these challenges are real, but the solution to this issue need not, and does not require an OPS takeover of the suburban school districts. Too many of our school districts are spending far too much time and money on lawyers and lobbyists instead of focusing on our students, our teachers and our classrooms.

Finally, a key issue that I believe compels legislative action in this session involves the long-term supply of our state's most precious natural resource. Water is Nebraska's issue of the decade. Our state didn't get into this situation overnight, and we're not going to get out of it quickly, no place is our challenge more immense, or more immediate than in the Republican River Basin, and with these years of extended drought, the issue of water has gained pre-eminence. Be assured that as long as I am Governor, Nebraska will never forget that our priority is agriculture and the needs of our agricultural producers nor will we ignore the needs of our cities.

While our state faces significant challenges, I am pleased about the opportunity to approach solutions at a time when our state can call upon the counsel of experienced legislators. Any discussion about the 20 senators serving their final terms must begin with the Speaker and my good friend, Senator Kermit Brashear. Speaker Brashear faces an extraordinary challenge in his final year, organizing a short session of important and often competing ideas. I know Speaker Brashear, and I know his commitment to the fair, effective and efficient organization of this body so that this Legislature can achieve the people's aims in a timely manner. The Speaker has worked tirelessly to achieve progress on issues where impasse seemed

the only possible outcome. I am proud to call him Mr. Speaker, and I am proud to call him a good friend.

Another leader our state is losing after this session is the chairman of the Appropriations Committee, Senator Don Pederson. Senator Pederson has been a trusted friend for many years. Last year, we forged a budget that made significant investments in the education and economic vitality of Nebraska. Those investments targeted K-12 education, the University of Nebraska and higher education, recognizing each as essential to the future success of our state. While we might not agree on every issue, the senator has set this body's impeccable tone of cooperation, and of professional and courteous disagreements when necessary.

I am also personally grateful for the leadership of Senator Dave Landis. Together we built a coalition for our state's most comprehensive jobs-creation economic incentive package since the 1980s. The Nebraska Advantage launched a new era of growth on January 1, and I can tell you that economic progress is already being made. In little more than a week, we have received 11 applications for incentives to create more than 3,000 good jobs in our great state. Because we expanded our jobs-creation package to include smaller businesses, the number of employers seeking information on how to grow jobs in Nebraska has skyrocketed.

I want to thank all of you who helped Senator Landis pass the Nebraska Advantage in overwhelming fashion, especially Senator Roger Wehrbein, who as much as anyone, fought to ensure our landmark jobs-creation package addresses the needs of rural Nebraska as much as it does for cities.

Two more senators are leaving us this year after having guided the state through the first steps of overcoming our water challenges. While tax relief may be the dominant issue of this session, water is the most pressing and complicated issue we've approached. Few understand that reality better than Senator Ed Schrock and Senator Elaine Stuhr.

The wealth of experience this body is losing doesn't stop there, so I want to extend a brief word to all of the senators serving their final terms in this most unique of legislative sessions. Nebraska and I are grateful for your years of dedicated service, and we appreciate the contributions that each and every one of you has made.

We should not, however, rest on the successes of our past. Future opportunities for our citizens depend, in large part, on the work we can accomplish together in this short session. Despite the obstacles we face, I am optimistic that Nebraska has a bright future ahead. Our state is on the move. By working together, we have already set the state on a vibrant path

toward educational and economic success. We are providing our children with a great education and we are investing in our state's economy so that our young people will be able to find a better job, right here at home. There are several economic development projects pending, from Scottsbluff to Omaha.

Our agricultural export economy is on the mend, particularly in beef sales, and we will continue our aggressive push to help it grow. Nebraska beef is undeniably the worlds best, and that's why we worked so hard to be the first state serving U.S. beef in Japan, and a new report says Nebraska – more than any other state – stands to benefit economically from the re-opening of Asian markets.

Economic growth is also why I went to Cuba. We signed a $30 million trade agreement for dry beans, wheat and soy products, and we have already executed more than $27 million of that agreement in actual contracts.

Ethanol plants are being developed all across Nebraska, because we chose to include energy in our jobs-creation economic incentive package. Since our most recent investments in ethanol, developers have announced plants in Jackson, Fairmont, Mead, Ravenna, Wood River, Ord, Madrid, and Blair – with more to come.

Finally, the thing that gives me the greatest hope for Nebraska's future success is my confidence that we live in the greatest state in the greatest country in the world today. I will never stop promoting Nebraska as the best place to live, to work and to raise a family, and I know you share that strong belief. Each and every Nebraskan has reasons to be proud of our state, our government and this Legislature.

Governing is about the future. It is about conquering the next challenge and seizing the next opportunity. We have accomplished an extraordinary agenda together under unique circumstances, and there is no limit to how much more we can do. From LaVista to Beaver City, from Tokyo to Havana; from the most sweeping jobs-creation package to enacting a no-tax-increase balanced budget, we have worked well as a team and that gives me confidence that as long as we continue working together, Nebraska will be on the move.

The committee escorted Governor Dave Heineman from the Chamber.

EASE

The Legislature was at ease from 10:27 a.m. until 10:40 a.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1060. Introduced by Speaker Brashear, 4; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2005, LB 424, sections 10, 39, and 45; and Laws 2005, LB 425, sections 14, 15, 17, 33, 34, 47, 49, 66, 100, 102, 104, 105, 107, 109, 112, 113, 114, 116, 117, 139, 150, 163, 167, 169, 170, 183, 192, 194, 195, 204, 209, 242, 248, 254, 259, and 275; to define terms; to provide, change, and eliminate provisions relating to appropriations; to provide for transfers; to repeal the original sections; to outright repeal Laws 2005, LB 348A, section 6; and to declare an emergency.

LEGISLATIVE BILL 1061. Introduced by Speaker Brashear, 4; at the request of the Governor.

A BILL FOR AN ACT relating to funds; to amend sections 59-1623 and 60-1513, Reissue Revised Statutes of Nebraska, sections 71-7607, 84-221, 90-267, 90-268, 90-269, and 90-270, Revised Statutes Cumulative Supplement, 2004, and sections 60-101, 60-154, 72-816, 86-401, and 86-418.01, Revised Statutes Supplement, 2005; to create and provide for the use of certain funds; to transfer funds; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 59-1608.02 and 84-220, Reissue Revised Statutes of Nebraska, and sections 84-619 and 86-417, Revised Statutes Supplement, 2005; and to declare an emergency.

LEGISLATIVE BILL 1062. Introduced by Speaker Brashear, 4; at the request of the Governor.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Supplement, 2005; to provide for transfers; to eliminate obsolete provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1063. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to fees; to amend section 33-154, Reissue Revised Statutes of Nebraska; to increase the training fee for filing court cases; and to repeal the original section.

LEGISLATIVE BILL 1064. Introduced by Landis, 46.

A BILL FOR AN ACT relating to property tax; to amend sections 77-203 and 77-1717, Reissue Revised Statutes of Nebraska; to change provisions relating to liens and collection; to repeal the original sections; and to declare

an emergency.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs
Room 1507

LB 786	Thursday, January 19, 2006	1:30 p.m.
LB 788	Thursday, January 19, 2006	1:30 p.m.
LB 847	Thursday, January 19, 2006	1:30 p.m.
LB 972	Thursday, January 19, 2006	1:30 p.m.
LB 1013	Thursday, January 19, 2006	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

GENERAL FILE

LEGISLATIVE BILL 454. Senator Chambers offered the following motion:
Bracket until April 10, 2006.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1065. Introduced by Johnson, 37; Aguilar, 35; Burling, 33; Combs, 32; Cudaback, 36; Cunningham, 40; Engel, 17; Flood, 19; Janssen, 15; Langemeier, 23; McDonald, 41; Dw. Pedersen, 39; Schrock, 38; Stuhr, 24; Stuthman, 22.

A BILL FOR AN ACT relating to roads; to amend section 77-27,132, Reissue Revised Statutes of Nebraska; to change distribution of certain sales and use tax proceeds; to create a fund and provide for its use; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1066. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-2805, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to proposed proprietary budget statements; and to repeal the original section.

LEGISLATIVE BILL 1067. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to cities and villages; to amend sections 32-568 and 32-569, Reissue Revised Statutes of Nebraska; to change requirements relating to vacancies in elected offices; and to repeal the original sections.

LEGISLATIVE BILL 1068. Introduced by Byars, 30.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Community Action Agency Act; and to declare an emergency.

LEGISLATIVE BILL 1069. Introduced by Byars, 30.

A BILL FOR AN ACT relating to transportation services; to amend sections 75-302 and 75-303, Reissue Revised Statutes of Nebraska; to provide for reimbursement of transportation costs; to exempt certain motor vehicles from regulation; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1070. Introduced by Aguilar, 35; Byars, 30; Howard, 9; Jensen, 20; Price, 26; Stuthman, 22; Thompson, 14.

A BILL FOR AN ACT relating to child abuse and neglect; to amend section 43-3001, Reissue Revised Statutes of Nebraska, and sections 28-728, 28-729, and 28-730, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to investigations; to harmonize provisions; and to repeal the original sections.

RESOLUTION

LEGISLATIVE RESOLUTION 268. Introduced by Fischer, 43.

WHEREAS, The United States Department of Education's 2005 Blue Ribbon School Award recognizes public and private schools that have shown significant progress in closing the achievement gap among students or whose students achieve at very high levels; and

WHEREAS, the foundation for Nebraska's future is an excellent public education system for all children; and

WHEREAS, Principal Cindy Wobig, teachers, staff, parents, and students of Valentine Elementary School have made the commitment to excellence in education and ensuring that no child is left behind; and

WHEREAS, United States Secretary of Education Margaret Spellings announced that Valentine Elementary School has been named as a 2005 Blue Ribbon School for ranking in the top ten percent of schools in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Valentine Elementary School for the national honor of being named a 2005 Blue Ribbon School.

2. That a copy of this resolution be sent to Valentine Elementary School and Principal Cindy Wobig.

Laid over.

AMENDMENTS - Print in Journal

Senator Baker filed the following amendment to LB 157:
AM1860

1. Strike original sections 2 and 3 and insert the following new sections:

Sec. 2. Section 86-575, Revised Statutes Supplement, 2005, is amended to read:

86-575. (1) Any agency or political subdivision of the state may:

(a) Own dark fiber;

(b) Sell dark fiber pursuant to section 86-576; and

(c) Lease dark fiber pursuant to section 86-577.

(2) No agency or political subdivision of the state shall provide telecommunications services as defined in section 86-593, except as authorized in sections 79-1319, 81-1120.01 to 81-1120.28, 85-401 to 85-418, 85-1501 to 85-1542, and 86-593 to 86-599, or be issued a certificate of convenience and necessity as a telecommunications common carrier or a permit as a telecommunications contract carrier. Any agency or political subdivision which sells or leases its dark fiber pursuant to sections 86-574 to 86-578 shall not be deemed to be providing telecommunications services as defined in section 86-593.

Sec. 3. Original section 86-128, Revised Statutes Cumulative Supplement, 2004, and section 86-575, Revised Statutes Supplement, 2005, are repealed.

Senator Baker filed the following amendment to LB 248:
AM1859

1. Strike original sections 1 to 3 and insert the following new sections:

Section 1. Section 60-3,187, Revised Statutes Supplement 2005, is amended to read:

60-3,187. (1) The motor vehicle tax schedules are set out in this section.

(2) The motor vehicle tax shall be calculated by multiplying the base tax times the fraction which corresponds to the age category of the vehicle as shown in the following table:

YEAR	FRACTION
First	1.00
Second	0.90
Third	0.80
Fourth	0.70
Fifth	0.60
Sixth	0.51
Seventh	0.42
Eighth	0.33
Ninth	0.24
Tenth and Eleventh	0.15

Twelfth and Thirteenth	0.07
Fourteenth and older	0.00

(3) The base tax shall be:

(a) Automobiles and motorcycles - An amount determined using the following table:

Value when new	Base tax
Up to $3,999	$ 25
$4,000 to $5,999	50
$6,000 to $7,999	75
$8,000 to $9,999	100
$10,000 to $11,999	125
$12,000 to $13,999	150
~~Up to $9,999~~	~~$ 60~~
~~$10,000 to $11,999~~	~~100~~
~~$12,000 to $13,999~~	~~140~~
$14,000 to $15,999	180
$16,000 to $17,999	220
$18,000 to $19,999	260
$20,000 to $21,999	300
$22,000 to $23,999	340
$24,000 to $25,999	380
$26,000 to $27,999	420
$28,000 to $29,999	460
$30,000 to $31,999	500
$32,000 to $33,999	540
$34,000 to $35,999	580
$36,000 to $37,999	620
$38,000 to $39,999	660
$40,000 to $41,999	700
$42,000 to $43,999	740
$44,000 to $45,999	780
$46,000 to $47,999	820
$48,000 to $49,999	860
$50,000 to $51,999	900
$52,000 to $53,999	940
$54,000 to $55,999	980
$56,000 to $57,999	1,020
$58,000 to $59,999	1,060
$60,000 to $61,999	1,100
$62,000 to $63,999	1,140
$64,000 to $65,999	1,180
$66,000 to $67,999	1,220
$68,000 to $69,999	1,260
$70,000 to $71,999	1,300
$72,000 to $73,999	1,340
$74,000 to $75,999	1,380
$76,000 to $77,999	1,420
~~$78,000 and over~~	~~1,460~~
$78,000 to $79,999	1,460

$80,000 to $81,999	1,500
$82,000 to $83,999	1,540
$84,000 to $85,999	1,580
$86,000 to $87,999	1,620
$88,000 to $89,999	1,660
$90,000 to $91,999	1,700
$92,000 to $93,999	1,740
$94,000 to $95,999	1,780
$96,000 to $97,999	1,820
$98,000 to $99,999	1,860
$100,000 and over	1,900

(b) Assembled automobiles - $60

~~(c) Motorcycles - An amount determined using the following table:~~

~~Value when new~~	~~Base tax~~
~~Up to $3,999~~	~~$ 25~~
~~$ 4,000 to $ 5,999~~	~~50~~
~~$ 6,000 to $ 7,999~~	~~75~~
~~$ 8,000 to $ 9,999~~	~~100~~
~~$10,000 to $11,999~~	~~125~~
~~$12,000 to $13,999~~	~~150~~
~~$14,000 to $15,999~~	~~175~~
~~$16,000 to $17,999~~	~~200~~
~~$18,000 to $19,999~~	~~225~~
~~$20,000 and over~~	~~250~~

~~(d)~~ (c) Assembled motorcycles - $25

~~(e)~~ (d) Cabin trailers, up to one thousand pounds - $10

~~(f)~~ (e) Cabin trailers, one thousand pounds and over and less than two thousand pounds - $25

~~(g)~~ (f) Cabin trailers, two thousand pounds and over - $40

~~(h)~~ (g) Recreational vehicles, less than eight thousand pounds - $160

~~(i)~~ (h) Recreational vehicles, eight thousand pounds and over and less than twelve thousand pounds - $410

~~(j)~~ (i) Recreational vehicles, twelve thousand pounds and over - $860

~~(k)~~ (j) Assembled recreational vehicles and buses shall follow the schedules for body type and registered weight

~~(l)~~ (k) Trucks - Over seven tons and less than ten tons - $360

~~(m)~~ (l) Trucks - Ten tons and over and less than thirteen tons - $560

~~(n)~~ (m) Trucks - Thirteen tons and over and less than sixteen tons - $760

~~(o)~~ (n) Trucks - Sixteen tons and over and less than twenty-five tons - $960

~~(p)~~ (o) Trucks - Twenty-five tons and over - $1,160

~~(q)~~ (p) Buses - $360
~~(r)~~ (q) Trailers other than semitrailers - $10
~~(s)~~ (r) Semitrailers - $110
~~(t) All other motor vehicles not listed in subdivisions (3)(a) through (s) of this section - $310~~

(4) For purposes of subsection (3) of this section, truck means all trucks and combinations of trucks except those trucks, trailers, or combinations thereof registered under section 60-3,198, and the tax is based on the gross vehicle weight rating as reported by the manufacturer.

(5) Current model year vehicles are designated as first-year motor vehicles for purposes of the schedules.

(6) When a motor vehicle is registered which is newer than the current model year by the manufacturer's designation, the motor vehicle is subject to the initial motor vehicle tax in the first registration period and ninety-five percent of the initial motor vehicle tax in the second registration period.

(7) Assembled cabin trailers, assembled recreational vehicles, and assembled buses shall be designated as sixth-year motor vehicles in their first year of registration for purposes of the schedules.

(8) When a motor vehicle is registered which is required to have a title branded as previous salvage pursuant to section 60-130, the motor vehicle tax shall be reduced by twenty-five percent.

Sec. 2. This act becomes operative on January 1, 2007.

Sec. 3. Original section 60-3,187, Revised Statutes Supplement, 2005, is repealed.

Senator Stuthman filed the following amendment to LB 454:
AM1875

(Amendments to Standing Committee amendments, AM0810)

1. Insert the following new section:

Sec. 22. Any bar operated in this state shall have, during the hours when such bar is open to patrons, a metal detector at each entrance to the bar. Patrons entering the bar shall be required to pass through the metal detector and the metal detector shall be operated by a bar employee or by bar employees.

2. Renumber the remaining sections and correct internal references accordingly.

Senator Stuthman filed the following amendment to LB 454:
AM1876

(Amendments to Standing Committee amendments, AM0810)

1. Insert the following new section:

Sec. 22. The State Capitol building shall have, during the hours when it is open to the public, a metal detector at each of its entrances. Members of the public entering the State Capitol building shall be required to pass through the metal detector and

the metal detector shall be operated by an employee or employees of capitol security.

2. Renumber the remaining sections and correct internal references accordingly.

Senator Stuthman filed the following amendment to LB 454:
AM1874

(Amendments to Standing Committee amendments, AM0810)

1. Insert the following new section:

Sec. 22. Any building in this state owned or leased by a county shall have, during the hours when such building is open to the public, a metal detector at each entrance to the building. Members of the public entering the building shall be required to pass through the metal detector and the metal detector shall be operated by a county employee or by county employees.

2. Renumber the remaining sections and correct internal references accordingly.

VISITORS

Visitors to the Chamber were members of the Stand Firm Debate Club from Lincoln.

RECESS

At 11:58 a.m., on a motion by Speaker Brashear, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Brashear presiding.

ROLL CALL

The roll was called and all members were present except Senator Thompson who was excused; and Senators Brown, Kremer, Kruse, Mines, Dw. Pedersen, and Preister who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB 1025	Appropriations
LB 1026	Judiciary
LB 1027	Revenue
LB 1028	Appropriations
LB 1029	Urban Affairs
LB 1030	Government, Military and Veterans Affairs

LB 1031	Natural Resources
LB 1032	Revenue
LB 1033	Revenue
LB 1034	Agriculture
LB 1035	Health and Human Services
LB 1036	Health and Human Services
LB 1037	Urban Affairs
LB 1038	Agriculture
LB 1039	General Affairs
LB 1040	Judiciary
LB 1041	Health and Human Services
LB 1042	Revenue
LB 1043	Revenue
LB 1044	Judiciary
LB 1045	Revenue
LB 1046	Revenue
LB 1047	Judiciary
LB 1048	General Affairs
LB 1049	Education
LB 1050	Education

(Signed) Pat Engel, Chairperson
Legislative Council, Executive Board

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1071. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-544, Reissue Revised Statutes of Nebraska; to change a provision relating to certified liability policies; and to repeal the original section.

LEGISLATIVE BILL 1072. Introduced by Cornett, 45; Aguilar, 35; Byars, 30; Cunningham, 40; Fischer, 43; Flood, 19; Louden, 49; Schrock, 38; Stuthman, 22; Synowiecki, 7.

A BILL FOR AN ACT relating to volunteer fire and rescue departments; to amend section 35-801, Reissue Revised Statutes of Nebraska; to change provisions relating to clothing and equipment and certain donations; to harmonize provisions; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 454. The Chambers pending motion, found in this day's Journal, to bracket until April 10, 2006, was renewed.

The Chambers motion to bracket failed with 3 ayes, 28 nays, 11 present and

not voting, and 7 excused and not voting.

Senator Beutler renewed his pending amendment, AM1233, found on page 1217, considered on page 1413, First Session, 2005, and pages 277 and 280, to the Standing Committee amendment.

Senator Combs moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Combs requested a roll call vote on the Beutler amendment.

Voting in the affirmative, 43:

Aguilar	Cornett	Heidemann	Landis	Redfield
Baker	Cudaback	Howard	Langemeier	Schimek
Beutler	Cunningham	Hudkins	Louden	Schrock
Bourne	Engel	Janssen	McDonald	Smith
Brashear	Erdman	Jensen	Pahls	Stuhr
Burling	Fischer	Johnson	Pedersen, Dw.	Stuthman
Byars	Flood	Kopplin	Pederson, D.	Synowiecki
Combs	Foley	Kremer	Price	
Connealy	Friend	Kruse	Raikes	

Voting in the negative, 0.

Present and not voting, 2:

Chambers	Wehrbein

Excused and not voting, 4:

Brown	Mines	Preister	Thompson

The Beutler amendment was adopted with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

Senator Chambers offered the following motion:
Reconsider the vote taken on the Beutler amendment.

The Chair declared the call raised.

Senator Combs offered the following motion:
Invoke cloture on LB 454, pursuant to Rule 7, Section 10.

Senator Combs moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Senator Combs requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 34:

Aguilar	Combs	Fischer	Jensen	Redfield
Baker	Connealy	Flood	Kremer	Schrock
Beutler	Cornett	Foley	Langemeier	Smith
Bourne	Cudaback	Friend	Louden	Stuhr
Brashear	Cunningham	Heidemann	McDonald	Synowiecki
Burling	Engel	Hudkins	Pahls	Wehrbein
Byars	Erdman	Janssen	Pedersen, Dw.	

Voting in the negative, 7:

Brown	Howard	Price	Schimek
Chambers	Landis	Raikes	

Present and not voting, 5:

Johnson	Kopplin	Mines	Pederson, D.	Stuthman

Excused and not voting, 3:

Kruse	Preister	Thompson

The Combs motion to invoke cloture prevailed with 34 ayes, 7 nays, 5 present and not voting, and 3 excused and not voting.

The Chambers motion to reconsider the vote taken on the Beutler amendment failed with 4 ayes, 33 nays, 9 present and not voting, and 3 excused and not voting.

The Standing Committee amendment, AM0810, printed separately and referred to on page 1076 and considered on page 1413, First Session, 2005, and page 277, as amended, was adopted with 39 ayes, 5 nays, 2 present and not voting, and 3 excused and not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 33:

Aguilar	Connealy	Flood	Kremer	Schrock
Baker	Cornett	Foley	Langemeier	Smith
Bourne	Cudaback	Friend	Louden	Stuhr
Brashear	Cunningham	Heidemann	McDonald	Synowiecki
Burling	Engel	Hudkins	Pahls	Wehrbein
Byars	Erdman	Janssen	Pedersen, Dw.	
Combs	Fischer	Jensen	Redfield	

Voting in the negative, 11:

Beutler	Howard	Landis	Schimek
Brown	Johnson	Price	Stuthman
Chambers	Kopplin	Raikes	

Present and not voting, 2:

Mines	Pederson, D.

Excused and not voting, 3:

Kruse	Preister	Thompson

Advanced to E & R for review with 33 ayes, 11 nays, 2 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 454A. Title read. Considered.

SENATOR CUDABACK PRESIDING

Senator Chambers offered the following motion:
Indefinitely postpone.

Laid over.

LEGISLATIVE BILL 57. Title read. Considered.

Senator Chambers renewed his pending amendment, FA197, found on page 1312, First Session, 2005.

Senator Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 28:

Aguilar	Erdman	Howard	Louden	Stuhr
Baker	Fischer	Hudkins	Pahls	Stuthman
Brashear	Flood	Kopplin	Pedersen, Dw.	Synowiecki
Burling	Foley	Kremer	Redfield	Wehrbein
Cornett	Friend	Landis	Schrock	
Cudaback	Heidemann	Langemeier	Smith	

Present and not voting, 12:

Beutler	Combs	Johnson	Price
Brown	Janssen	Mines	Raikes
Chambers	Jensen	Pederson, D.	Schimek

Excused and not voting, 9:

Bourne	Connealy	Engel	McDonald	Thompson
Byars	Cunningham	Kruse	Preister	

The Chambers amendment lost with 0 ayes, 28 nays, 12 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1073. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-121, 77-125, 77-126, 77-129, 77-2704.27, 77-2704.50, 77-27,136, and 77-27,137, Reissue Revised Statutes of Nebraska, section 77-123, Revised Statutes Cumulative Supplement, 2004, and sections 77-201, 77-202, 77-2704.22, and 77-3442, Revised Statutes Supplement, 2005; to eliminate property taxation of personal property; to change and eliminate sales tax exemption; to change state aid amounts and tax levy limitations; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-119, 77-1201, 77-1229.01, 77-2704.14, and 77-2704.40, Reissue Revised Statutes of Nebraska, section 77-2704.36, Revised Statutes Cumulative Supplement, 2004, and section 77-1229, Revised Statutes Supplement, 2005.

LEGISLATIVE BILL 1074. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to accreditation, curriculum, and instruction; to amend section 79-729, Reissue Revised Statutes of Nebraska; to prescribe certain minimum requirements for high school graduation; to require the development of individual academic plans; to repeal the original section; and to outright repeal section 79-704, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1075. Introduced by Flood, 19.

A BILL FOR AN ACT relating to interception of communications; to amend section 86-291, Revised Statutes Cumulative Supplement, 2004; to provide for court orders based upon additional offenses; and to repeal the original section.

LEGISLATIVE BILL 1076. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-15,171, Reissue Revised Statutes of Nebraska, and section 81-15,170, Revised Statutes Cumulative Supplement, 2004; to modify membership on the Nebraska Environmental Trust Board; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

LB 792	Thursday, January 19, 2006	1:30 p.m.
LB 870	Thursday, January 19, 2006	1:30 p.m.
LB 818	Thursday, January 19, 2006	1:30 p.m.

(Signed) Ed Schrock, Chairperson

Revenue

Room 1524

LB 1003	Thursday, January 19, 2006	1:30 p.m.
LB 807	Thursday, January 19, 2006	1:30 p.m.
LB 811	Thursday, January 19, 2006	1:30 p.m.
LB 888	Thursday, January 19, 2006	1:30 p.m.
LB 937	Thursday, January 19, 2006	1:30 p.m.
LB 1045	Thursday, January 19, 2006	1:30 p.m.
LB 836	Thursday, January 19, 2006	1:30 p.m.
LB 812	Friday, January 20, 2006	1:30 p.m.
LB 813	Friday, January 20, 2006	1:30 p.m.
LB 942	Friday, January 20, 2006	1:30 p.m.
LB 1011	Friday, January 20, 2006	1:30 p.m.

Friday, January 20, 2006 1:30 p.m.
William Warnes - Tax Equalization and Review Commission

(Signed) David Landis, Chairperson

GENERAL FILE

LEGISLATIVE BILL 57. Senator Chambers offered the following motion:
Reconsider the vote taken on FA197.

Senator Chambers moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Senator Chambers requested a record vote on his motion to reconsider.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 23:

Aguilar	Cornett	Howard	Louden	Smith
Baker	Erdman	Hudkins	Mines	Stuhr
Beutler	Foley	Kopplin	Pedersen, Dw.	Wehrbein
Brashear	Friend	Landis	Redfield	
Combs	Heidemann	Langemeier	Schrock	

Present and not voting, 10:

Brown	Cudaback	Johnson	Pahls	Price
Burling	Jensen	Kremer	Pederson, D.	Schimek

Excused and not voting, 15:

Bourne	Cunningham	Flood	McDonald	Stuthman
Byars	Engel	Janssen	Preister	Synowiecki
Connealy	Fischer	Kruse	Raikes	Thompson

The Chambers motion to reconsider failed with 1 aye, 23 nays, 10 present and not voting, and 15 excused and not voting.

The Chair declared the call raised.

Senator Chambers renewed his pending amendment, FA198, found on page 1312, First Session, 2005.

Senator Chambers moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 3:

Brown	Pederson, D.	Schimek

Voting in the negative, 22:

Aguilar	Erdman	Howard	Louden	Smith
Baker	Fischer	Kopplin	Mines	Stuhr
Brashear	Flood	Kremer	Pedersen, Dw.	
Combs	Foley	Landis	Redfield	
Cornett	Friend	Langemeier	Schrock	

Present and not voting, 7:

Beutler	Chambers	Hudkins	Price
Burling	Cudaback	Johnson	

Excused and not voting, 17:

Bourne	Engel	Kruse	Raikes	Wehrbein
Byars	Heidemann	McDonald	Stuthman	
Connealy	Janssen	Pahls	Synowiecki	
Cunningham	Jensen	Preister	Thompson	

The Chambers amendment lost with 3 ayes, 22 nays, 7 present and not voting, and 17 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
Reconsider the vote taken on FA198.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1077. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Natural Resources.

LEGISLATIVE BILL 1078. Introduced by Mines, 18.

A BILL FOR AN ACT relating to law enforcement; to amend section 81-1413, Revised Statutes Cumulative Supplement, 2004; to modify provisions related to financing of pre-certification and certification training; and to repeal the original section.

LEGISLATIVE BILL 1079. Introduced by McDonald, 41.

A BILL FOR AN ACT relating to drugs; to adopt the Immunosuppressant Drug Repository Program Act.

RESOLUTION

LEGISLATIVE RESOLUTION 269. Introduced by Burling, 33.

WHEREAS, Dr. Daniel Deffenbaugh, associate professor of religion and

philosophy at Hastings College, was named 2005 Nebraska Professor of the Year by The Carnegie Foundation for the Advancement of Teaching and the Council for Advancement and Support of Education; and

WHEREAS, the Nebraska Professor of the Year represents the thousands of dedicated university and college instructors throughout Nebraska who serve their students, their community, and their state with dedication and talent; and

WHEREAS, skillful, enthusiastic, and innovative teachers improve the lives of countless students by encouraging curiosity and understanding and by contributing to the development of mind and spirit; and

WHEREAS, the quality of life and the scope of opportunity for many future citizens of Nebraska will be determined by the quality of teaching in the classroom.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Dr. Daniel Deffenbaugh be congratulated on being named the 2005 Nebraska Professor of the Year.

2. That a copy of this resolution be sent to Dr. Deffenbaugh.

Laid over.

AMENDMENT - Print in Journal

Senator Combs filed the following amendment to LB 454A:
AM1867

1. Strike the original sections and insert the following new sections:

Section 1. There is hereby appropriated (1) $774,000 from the Nebraska State Patrol Cash Fund for FY2006-07 and (2) $218,000 from the Nebraska State Patrol Cash Fund for FY2007-08 to the Nebraska State Patrol, for Program 100, to aid in carrying out the provisions of Legislative Bill 454, Ninety-ninth Legislature, Second Session, 2006.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $240,320 for FY2006-07 or $80,800 for FY2007-08.

There is included in this appropriation for FY2006-07 $30,000 Cash Funds to contract with the Department of Motor Vehicles to pay for the cost of temporary staff and computer programming at the Department of Motor Vehicles in order to carry out the provisions of Legislative Bill 454, Ninety-ninth Legislature, Second Session, 2006.

Sec. 2. There is hereby appropriated $30,000 from the Department of Motor Vehicles Cash Fund for FY2006-07 to the Department of Motor Vehicles, for Program 70, to aid in carrying out the provisions of Legislative Bill 454, Ninety-ninth Legislature, Second Session, 2006.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated

2 in this section.

UNANIMOUS CONSENT - Add Cointroducers

Senators Connealy and Preister asked unanimous consent to add their names as cointroducers to LB 810. No objections. So ordered.

Senators Connealy and Cornett asked unanimous consent to add their names as cointroducers to LB 844. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB 949. No objections. So ordered.

Senator Burling asked unanimous consent to add his name as cointroducer to LB 954. No objections. So ordered.

Senator Cunningham asked unanimous consent to add his name as cointroducer to LBs 965, 966, and 996. No objections. So ordered.

Senators Howard, Kruse, and Preister asked unanimous consent to add their names as cointroducers to LB 1016. No objections. So ordered.

Senator Heidemann asked unanimous consent to add his name as cointroducer to LB 1072. No objections. So ordered.

Senator Schimek asked unanimous consent to add her name as cointroducer to LR 265. No objections. So ordered.

VISITORS

Visitors to the Chamber were Olivia Lambdin, Elizabeth Needels, and Courtney Russell from Lincoln.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 4:15 p.m., on a motion by Speaker Brashear, the Legislature adjourned until 9:00 a.m., Friday, January 13, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTH DAY - JANUARY 13, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 13, 2006

PRAYER

The prayer was offered by Senator Kruse.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Brown, Byars, Combs, Connealy, Erdman, Kopplin, McDonald, and Schimek who were excused; and Senators Cornett, Mines, Pahls, D. Pederson, Raikes, and Wehrbein who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventh day was approved.

NOTICE OF COMMITTEE HEARINGS

Transportation and Telecommunications
Room 1113

LB 1007	Monday, January 23, 2006	1:30 p.m.
LB 796	Monday, January 23, 2006	1:30 p.m.
LB 958	Monday, January 23, 2006	1:30 p.m.
LB 816	Monday, January 23, 2006	1:30 p.m.
LB 909	Monday, January 23, 2006	1:30 p.m.

(Signed) Tom Baker, Chairperson

Government, Military and Veterans Affairs
Room 1507

LB 823	Friday, January 20, 2006	1:30 p.m.
LB 883	Friday, January 20, 2006	1:30 p.m.
LB 941	Friday, January 20, 2006	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

Business and Labor
Room 1524

LB 906	Monday, January 23, 2006	1:30 p.m.
LB 843	Monday, January 23, 2006	1:30 p.m.
LB 913	Monday, January 23, 2006	1:30 p.m.
LB 827	Monday, January 23, 2006	1:30 p.m.

(Signed) Douglas Cunningham, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 12, 2006, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Bailey, Jon M.
Center for Rural Affairs

Brown, Margaret S.
League of Women Voters of Nebraska

Cutshall & Associates
Nebraskans for Public Television, Inc.

DeMay, James
Citigroup Management Corp.

Duckworth, Linda
League of Women Voters of Nebraska

Hassebrook, Charles, Jr.
Center for Rural Affairs

Hutchinson, M.C.
Family Council, Nebraska

Intermill, Nancy L.
League of Women Voters of Nebraska

Jaeschke, Ronda
Kinder Morgan, Inc.

Johnson, DeMaris

Geologists, Board of

Larsen, Carlin L.
Qwest Communications

Lewis, Sarah Ann
Voices for Children

Mischo, Craig
Bayer Health Care

Mize, William L. (Len)
Kinder Morgan, Inc.

Obst, Robert E.
Qwest Communications

Pappas, James E.
Bellevue Public Schools
NorthWestern Energy

Powell, Sandra K.
League of Women Voters of Nebraska

Reiman, Charlene
Kinder Morgan, Inc.

Rennard, Barbara
League of Women Voters of Nebraska

Roland, Gene
Kinder Morgan, Inc.

Schmit Industries, Inc.
Ag Processing, Inc.
Chiropractic Physicians Association, Nebraska
Husker Ag, LLC
KAPPA Ethanol, LLC
Lundeen Inc.
Platte Valley Fuel Ethanol

Skinner, Debra J.
Nebraska Tourism Association (NETA)

Sweeny, Tari Hendrickson
League of Women Voters of Nebraska

REPORTS

The following reports were received by the Legislature:

Dairy Industry Development Board
Annual Report
Health and Human Services System
Proposal to Register Pharmacy Technicians
Proposal for a Change in Scope of Practice by Dental Hygienists
Investment Finance Authority
Clean Water State Revolving Fund Revenue Bonds Series 2005 B, Quarterly Report
Drinking Water State Revolving Fund Revenue Bonds Series 2005 A, Quarterly Report
Single Family Housing Revenue Bonds Series 2005 CD and General Obligation Bonds Series 2005 G.O.-19
Roads, Department of
Board of Public Roads Classifications and Standards Minutes for October 2005
Treasury, State
Condition of the State Treasury Letter

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1080. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-27,144, Reissue Revised Statutes of Nebraska, and section 77-2711, Revised Statutes Supplement, 2005; to authorize municipalities to receive information as prescribed; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 57. Senator Chambers renewed his pending motion, found on page 323, to reconsider the vote taken on FA198.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1081. Introduced by Kremer, 34; Schrock, 38.

A BILL FOR AN ACT relating to agriculture; to amend section 2-945.01, Revised Statutes Cumulative Supplement, 2004; to provide for noxious weed control projects as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1082. Introduced by Schrock, 38; Cudaback, 36.

A BILL FOR AN ACT relating to state parks; to amend section 37-318, Reissue Revised Statutes of Nebraska; to eliminate entry permits and fees; to harmonize provisions; to repeal the original section; to provide an operative date; and to outright repeal sections 37-434, 37-435, 37-436, 37-437, 37-439, 37-440, 37-441, 37-442, 37-443, 37-444, 37-445, and 37-446, Reissue Revised Statutes of Nebraska, and section 37-438, Revised Statutes Supplement, 2005.

LEGISLATIVE BILL 1083. Introduced by Schrock, 38; Cudaback, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Game and Parks Commission.

LEGISLATIVE BILL 1084. Introduced by Cunningham, 40; Combs, 32; Kremer, 34.

A BILL FOR AN ACT relating to health and safety regulations; to amend sections 48-418, 48-418.02, 48-418.03, 48-418.04, 48-418.05, 48-418.06, 48-418.07, 48-418.09, 48-418.10, 48-418.11, 48-418.12, 48-418.14, 48-719, 48-720, 48-721, 48-722, 48-723, 48-724, 48-727, 48-728, 48-729, 48-730, 48-731, 48-733, 48-735.01, 48-737, 48-738, 48-741, 48-743, 48-1801, 48-1802, 48-1803, 48-1804, 48-1805, 48-1806, 48-1807, 48-1808, 48-1809, 48-1811, 48-1812, 48-1813, 48-1814, 48-1817, 48-1819, 81-401, and 81-505, Reissue Revised Statutes of Nebraska, and section 48-726, Revised Statutes Supplement, 2005; to transfer the administration of the Boiler Inspection Act, the Nebraska Amusement Ride Act, and elevator inspections from the Commissioner of Labor to the State Fire Marshal; to name the Elevator Safety Act; to change the term of the chairperson of the Boiler Safety Code Advisory Board; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1085. Introduced by Baker, 44.

A BILL FOR AN ACT relating to interstate motor carrier registration; to amend sections 75-348 and 75-349, Reissue Revised Statutes of Nebraska, and section 75-386, Revised Statutes Supplement, 2005; to authorize the Division of Motor Carrier Services to enter into the Unified Carrier

Registration Agreement; and to repeal the original sections.

LEGISLATIVE BILL 1086. Introduced by Synowiecki, 7; Howard, 9.

A BILL FOR AN ACT relating to funds; to adopt the Nebraska Prostitution Intervention and Treatment Fund Act; to create a fund; and to provide funds for education and treatment.

LEGISLATIVE BILL 1087. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2701.04, and 77-2704.12, Revised Statutes Supplement, 2005; to exempt purchases by museums and museum memberships from sales and use taxes; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1088. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to infants and children; to amend sections 43-2606 and 79-1902, Reissue Revised Statutes of Nebraska; to state findings; to promote awareness of sudden infant death syndrome and shaken baby syndrome; to provide powers and duties; to change provisions relating to training of providers of child care programs and certain educational packets; and to repeal the original sections.

LEGISLATIVE BILL 1089. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3442, Revised Statutes Supplement, 2005; to change provisions relating to school levies as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1090. Introduced by Howard, 9.

A BILL FOR AN ACT relating to teachers; to amend section 79-1007.02, Revised Statutes Supplement, 2005; to provide for extended contract days; to provide duties for the State Department of Education; to provide for funding; to provide an operative date; to harmonize provisions; to repeal the original section; and to declare an emergency.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance
Room 1507

LB 819	Monday, January 23, 2006	1:30 p.m.
LB 868	Monday, January 23, 2006	1:30 p.m.
LB 985	Monday, January 23, 2006	1:30 p.m.
LB 926	Tuesday, January 24, 2006	1:30 p.m.
LB 927	Tuesday, January 24, 2006	1:30 p.m.

LB 928	Tuesday, January 24, 2006	1:30 p.m.
LB 929	Tuesday, January 24, 2006	1:30 p.m.

(Signed) Mick Mines, Chairperson

General Affairs
Room 1510

LB 785	Monday, January 23, 2006	1:30 p.m.
LB 845	Monday, January 23, 2006	1:30 p.m.
LB 889	Monday, January 23, 2006	1:30 p.m.
LB 948	Monday, January 23, 2006	1:30 p.m.

(Signed) Ray Janssen, Chairperson

Nebraska Retirement Systems
Room 1525

Monday, January 23, 2006 9:00 a.m.
Glenn Camerer - Public Employees Retirement Board
Richard Wassinger - Public Employees Retirement Board
John Maginn - Nebraska Investment Council

(Signed) Elaine Stuhr, Chairperson

GENERAL FILE

LEGISLATIVE BILL 57. The Chambers pending motion, found on page 323 and considered in this day's Journal, to reconsider the vote taken on FA198, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Senator Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 16:

Baker	Foley	Kremer	Schrock
Engel	Friend	Louden	Smith
Fischer	Heidemann	Pedersen, Dw.	Stuhr
Flood	Hudkins	Redfield	Wehrbein

Present and not voting, 18:

Aguilar	Burling	Janssen	Pahls	Raikes
Beutler	Cudaback	Johnson	Pederson, D.	Synowiecki
Bourne	Cunningham	Kruse	Preister	
Brashear	Howard	Mines	Price	

Excused and not voting, 14:

Brown	Connealy	Jensen	Langemeier	Stuthman
Byars	Cornett	Kopplin	McDonald	Thompson
Combs	Erdman	Landis	Schimek	

The Chambers motion to reconsider failed with 1 aye, 16 nays, 18 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1091. Introduced by Business and Labor Committee: Cunningham, 40; Chairperson; Burling, 33; Kremer, 34; Preister, 5.

A BILL FOR AN ACT relating to the Nebraska Wage Payment and Collection Act; to amend section 48-1230, Reissue Revised Statutes of Nebraska; to provide a penalty for nonpayment or late payment of wages as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1092. Introduced by Business and Labor Committee: Cunningham, 40; Chairperson; Burling, 33; Kremer, 34; Preister, 5.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 44-6604, Reissue Revised Statutes of Nebraska, and section 28-631, Revised Statutes Cumulative Supplement, 2004; to prohibit certain fraudulent acts with respect to workers' compensation premiums; and to repeal the original sections.

LEGISLATIVE BILL 1093. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to accreditation, curriculum, and instruction; to amend section 79-703, Reissue Revised Statutes of Nebraska; to modify provisions related to the establishment of a core curriculum standard; and to repeal the original section.

LEGISLATIVE BILL 1094. Introduced by Stuhr, 24; Cunningham, 40;

Fischer, 43; Hudkins, 21; Louden, 49.

A BILL FOR AN ACT relating to tourism; to amend sections 77-2701 and 77-2715.07, Revised Statutes Supplement, 2005; to provide for registration of agritourism operators; to provide an income tax credit for the cost of agritourism liability insurance; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 1095. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Geologists Regulation Act; to amend section 81-3541, Reissue Revised Statutes of Nebraska; to eliminate an exemption; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1096. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to counties; to amend sections 22-417, 23-2504, and 32-524, Reissue Revised Statutes of Nebraska; to provide for the appointment of the clerk of the district court in counties containing a city of the metropolitan class as prescribed; to harmonize provisions; and to repeal the original sections.

NOTICE OF COMMITTEE HEARING
Education
Room 1525

LB 830	Monday, January 23, 2006	1:30 p.m.
LB 865	Monday, January 23, 2006	1:30 p.m.
LB 993	Monday, January 23, 2006	1:30 p.m.
LB 1012	Monday, January 23, 2006	1:30 p.m.
LB 1049	Monday, January 23, 2006	1:30 p.m.

(Signed) Ron Raikes, Chairperson

GENERAL FILE

LEGISLATIVE BILL 57. Senator Chambers renewed his pending amendment, FA199, found on page 1312, First Session, 2005.

PRESIDENT SHEEHY PRESIDING

SENATOR CUDABACK PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Johnson

Voting in the negative, 14:

Burling	Fischer	Heidemann	Mines	Smith
Cunningham	Foley	Landis	Pedersen, Dw.	Stuhr
Engel	Friend	Louden	Schrock	

Present and not voting, 16:

Aguilar	Cudaback	Kruse	Price
Baker	Howard	Pahls	Redfield
Bourne	Hudkins	Pederson, D.	Synowiecki
Chambers	Kremer	Preister	Thompson

Excused and not voting, 18:

Beutler	Combs	Flood	Langemeier	Stuthman
Brashear	Connealy	Janssen	McDonald	Wehrbein
Brown	Cornett	Jensen	Raikes	
Byars	Erdman	Kopplin	Schimek	

The Chambers amendment lost with 1 aye, 14 nays, 16 present and not voting, and 18 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
Reconsider the vote taken on FA199.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1097. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to storm water; to create the Storm Water Management Plan Program.

LEGISLATIVE BILL 1098. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to chemigation; to amend section 46-1105, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 1099. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to irrigation; to amend sections 46-285 and 46-286, Reissue Revised Statutes of Nebraska; to change water reuse pits definitions; and to repeal the original sections.

LEGISLATIVE BILL 1100. Introduced by Louden, 49; Aguilar, 35; Howard, 9; Kruse, 13.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-806, Reissue Revised Statutes of Nebraska; to change penalty provisions for public indecency; and to repeal the original section.

LEGISLATIVE BILL 1101. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-1,111, Revised Statutes Supplement, 2004; to provide for mandatory release on parole as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1102. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to elections; to amend section 32-620, Reissue Revised Statutes of Nebraska; to change provisions relating to ballot status for candidates for President and Vice President of the United States; and to repeal the original section.

LEGISLATIVE BILL 1103. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2004; to proscribe certain sales of tickets; to state a penalty; and to repeal the original section.

LEGISLATIVE BILL 1104. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-519 and 71-522, Revised Statutes Supplement, 2005; to provide a religious exemption to infant screening test requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1105. Introduced by Landis, 46.

A BILL FOR AN ACT relating to convention center facility financing; to amend sections 13-2601, 13-2602, 13-2603, 13-2604, 13-2605, 13-2607, 13-2608, 13-2609, and 13-2610, Revised Statutes Cumulative Supplement, 2004; to provide for state assistance for sporting arena facilities; to provide procedures; to harmonize provisions; to repeal the original sections; and to outright repeal section 13-2612, Revised Statutes Cumulative Supplement, 2004.

LEGISLATIVE BILL 1106. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to counties; to amend section 23-114.03, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to zoning regulations; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 270. Introduced by Price, 26.

WHEREAS, Patricia Koch Johns has been named Nebraska's 2006 Teacher of the Year by the Nebraska Department of Education; and

WHEREAS, Ms. Koch Johns is active in many professional organizations, which allow her to promote arts in education; and

WHEREAS, Ms. Koch Johns is a well-respected teacher and staff member of the Lincoln High School community; and

WHEREAS, Ms. Koch Johns is viewed by her students and peers as being a successful, innovative teacher.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Patricia Koch Johns on being named Nebraska's 2006 Teacher of the Year.

2. That a copy of this resolution be delivered to Ms. Koch Johns.

Laid over.

LEGISLATIVE RESOLUTION 271. Introduced by Price, 26.

WHEREAS, Jonathan Heithold, a computer-aided design (CAD) teacher at Lincoln East High School, has been named one of the Nebraska winners of the 2005 Milken Family Foundation Awards; and

WHEREAS, Mr. Heithold will receive a twenty-five-thousand-dollar award and will be invited to attend the National Education Milken Conference; and

WHEREAS, Mr. Heithold is a leader in the school district in CAD education and is well respected for his teaching by students and staff members.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Jonathan Heithold on being named one of the Nebraska winners of the 2005 Milken Family Foundation Awards.

2. That a copy of this resolution be sent to Mr. Heithold.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Senator Thompson asked unanimous consent to add her name as cointroducer to LB 915. No objections. So ordered.

VISITORS

Visitor to the Chamber was Dr. Joyce Simmons from Valentine.

The Doctor of the Day was Dr. Tammy Comstock from Ashland.

ADJOURNMENT

At 11:43 a.m., on a motion by Senator D. Pederson, the Legislature adjourned until 10:00 a.m., Tuesday, January 17, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

NINTH DAY - JANUARY 17, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 17, 2006

PRAYER

The prayer was offered by Pastor Paul Coen, Luther Memorial Lutheran Church, Syracuse.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Beutler, Hudkins, Price, Raikes, Stuthman, and Thompson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB 964	Agriculture (rereferred)
LB 1051	Revenue
LB 1052	Judiciary
LB 1053	Agriculture
LB 1054	Urban Affairs
LB 1055	Revenue
LB 1056	Transportation and Telecommunications
LB 1057	Transportation and Telecommunications
LB 1058	Health and Human Services
LB 1059	Education
LB 1060	Appropriations
LB 1061	Appropriations
LB 1062	Appropriations
LB 1063	Judiciary

LB 1064	Revenue
LB 1065	Transportation and Telecommunications
LB 1066	Urban Affairs
LB 1067	Government, Military and Veterans Affairs
LB 1068	Health and Human Services
LB 1069	Transportation and Telecommunications
LB 1070	Judiciary
LB 1071	Transportation and Telecommunications
LB 1072	Judiciary
LB 1073	Revenue
LB 1074	Education
LB 1075	Judiciary
LB 1076	Natural Resources
LB 1077	Appropriations
LB 1078	Judiciary
LB 1079	Health and Human Services

(Signed) Pat Engel, Chairperson
Legislative Council, Executive Board

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems
Room 1525

LB 1020	Tuesday, January 24, 2006	12:15 p.m.
LB 1021	Tuesday, January 24, 2006	12:15 p.m.

(Signed) Elaine Stuhr, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1107. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to schools; to provide for student self-management of diabetes at school and school-related activities.

LEGISLATIVE BILL 1108. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-601 and 60-6,287, Reissue Revised Statutes of Nebraska; to change restrictions on the operation of motor vehicles; to prohibit distracted driving and using an interactive wireless communication device while operating a motor vehicle as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1109. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Livestock Waste Management Act; to amend section 54-2431, Reissue Revised Statutes of Nebraska; to change permit application rejection and disciplinary actions provisions; and to repeal the original section.

LEGISLATIVE BILL 1110. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to keno; to amend section 9-607, Reissue Revised Statutes of Nebraska, and section 9-625, Revised Statutes Cumulative Supplement, 2004; to provide for electronic keno lottery; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1111. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the State Racing Commission; to amend section 2-1201, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to appointments to the commission as prescribed; to provide a duty for the Legislature; and to repeal the original section.

ANNOUNCEMENT

The Chair announced today is Senator Jensen's birthday.

GENERAL FILE

LEGISLATIVE BILL 57. Senator Chambers renewed his pending motion, found on page 336, to reconsider the vote taken on FA199.

Senator Chambers moved for a call of the house. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Senator Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 4:

Brown	Chambers	Landis	Schimek

Voting in the negative, 26:

Baker	Fischer	Kopplin	Pedersen, Dw.	Stuthman
Brashear	Flood	Kremer	Preister	Wehrbein
Cornett	Foley	Langemeier	Redfield	
Cunningham	Friend	Louden	Schrock	
Engel	Heidemann	Mines	Smith	
Erdman	Jensen	Pahls	Stuhr	

Present and not voting, 16:

Aguilar	Byars	Howard	McDonald
Beutler	Combs	Janssen	Pederson, D.
Bourne	Connealy	Johnson	Price
Burling	Cudaback	Kruse	Synowiecki

Excused and not voting, 3:

Hudkins	Raikes	Thompson

The Chambers motion to reconsider failed with 4 ayes, 26 nays, 16 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1112. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to the Community Development Law; to amend sections 18-2101, 18-2103, and 18-2109, Reissue Revised Statutes of Nebraska; to authorize certain redevelopment projects involving agricultural processing facilities; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1113. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-813, Reissue Revised Statutes of Nebraska; to clarify language regarding violations relating to obscene literature or material; and to repeal the original section.

LEGISLATIVE BILL 1114. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to district courts; to amend sections 24-304, 24-305, 24-307, 24-318, 24-345, 24-348, and 24-401, Reissue Revised Statutes of Nebraska; to change provisions relating to judges and clerks of the district court; and to repeal the original sections.

LEGISLATIVE BILL 1115. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-214, 25-302, 25-307, 25-308, 25-316, 25-322, 25-325, 25-326, and 25-329, Reissue Revised Statutes of Nebraska; to change provisions relating to civil actions; and to repeal the original sections.

LEGISLATIVE BILL 1116. Introduced by McDonald, 41; Combs, 32; Howard, 9; Jensen, 20; Johnson, 37.

A BILL FOR AN ACT relating to drugs; to amend sections 71-2426 and 71-2429, Revised Statutes Supplement, 2005; to change provisions of the Cancer Drug Repository Program Act; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1117. Introduced by Heidemann, 1; Burling, 33; Byars, 30; Combs, 32; Cornett, 45; Cunningham, 40; Fischer, 43; Flood, 19; Hudkins, 21; Janssen, 15; Kremer, 34; Langemeier, 23; Louden, 49; McDonald, 41; Dw. Pedersen, 39; D. Pederson, 42; Raikes, 25; Stuhr, 24; Stuthman, 22; Wehrbein, 2.

A BILL FOR AN ACT relating to highways; to provide for mowing and hay harvesting permits for right-of-ways; to provide fees; and to provide duties for the Department of Roads.

LEGISLATIVE BILL 1118. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1007.02, Revised Statutes Supplement, 2005; to change provisions relating to the sparse cost grouping; and to repeal the original section.

LEGISLATIVE BILL 1119. Introduced by Heidemann, 1; Fischer, 43; Flood, 19; Louden, 49; McDonald, 41; Schrock, 38; Smith, 48.

A BILL FOR AN ACT relating to reorganization of school districts; to amend section 79-1001, Revised Statutes Cumulative Supplement, 2004, sections 79-402, 79-423, 79-4,112, 79-4,113, 79-4,114, 79-4,115, 79-4,116, 79-1003, 79-1016, 79-1022, 79-1026, 79-1027, 79-1028, 79-1031.01, 79-1072.03, 79-1072.04, 79-1083.02, and 79-1083.03, Revised Statutes Supplement, 2005, Laws 2005, LB 126, sections 54, 55, and 56; to change dates relating to school district reorganization requirements as prescribed; to harmonize provisions; to delay implementation of certain provisions of Laws 2005, LB 126; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1120. Introduced by Smith, 48.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-682.01, Reissue Revised Statutes of Nebraska; to provide a defense for speeding in a construction zone; and to repeal the original section.

LEGISLATIVE BILL 1121. Introduced by Brown, 6; Pahls, 31.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for

an environmental study of a hydroelectric dam project.

LEGISLATIVE BILL 1122. Introduced by Mines, 18.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-1,123, Reissue Revised Statutes of Nebraska; to modify provisions regarding opening an account; to create a reference to federal law; and to repeal the original section.

LEGISLATIVE BILL 1123. Introduced by Mines, 18.

A BILL FOR AN ACT relating to the Nebraska Uniform Trust Code; to amend sections 30-3846, 30-3848, 30-3851, and 30-38,110, Revised Statutes Cumulative Supplement, 2004, and sections 30-3805 and 30-3849, Revised Statutes Supplement, 2005; to change provisions relating to the code; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1124. Introduced by Mines, 18.

A BILL FOR AN ACT relating to the Nebraska Installment Loan Act; to amend section 45-1026, Reissue Revised Statutes of Nebraska, and section 45-1024, Revised Statutes Supplement, 2005; to change requirements relating to charges, loan fees, and the writing of loans or other products or services as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1125. Introduced by Business and Labor Committee: Cunningham, 40; Chairperson; Burling, 33; Combs, 32; Kremer, 34; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

LEGISLATIVE BILL 1126. Introduced by Business and Labor Committee: Cunningham, 40; Chairperson; Burling, 33; Combs, 32; Kremer, 34; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize certain write-offs as prescribed; and to declare an emergency.

LEGISLATIVE BILL 1127. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to public power and irrigation districts; to amend section 70-643, Reissue Revised Statutes of Nebraska; to authorize use of electronic fund transfers; and to repeal the original section.

LEGISLATIVE BILL 1128. Introduced by Flood, 19.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend sections 3-104, 3-416, 3-417, 4-207, and 4-208, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2004, and section 3-103, Uniform Commercial Code, Revised Statutes Supplement, 2005; to change provisions relating to negotiable instruments and warranties; to eliminate provisions relating to demand drafts; to provide an operative date; and to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1129. Introduced by Louden, 49; Baker, 44; Burling, 33; Fischer, 43; Flood, 19; Kopplin, 3; Kremer, 34; Schrock, 38; Smith, 48.

A BILL FOR AN ACT relating to community colleges; to amend section 85-1537, Reissue Revised Statutes of Nebraska, and sections 13-519, 77-3442, 85-1517, and 85-1536.01, Revised Statutes Supplement, 2005; to change property tax levy provisions; to increase state aid; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1130. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2703.04, 77-2704.31, 77-4105, and 77-4106, Reissue Revised Statutes of Nebraska, and sections 77-2703.01, 77-2711, 77-2712.05, 77-5725, and 77-5726, Revised Statutes Supplement, 2005; to authorize creation of transportation development districts; to authorize a local sales tax; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1131. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to state funds; to amend section 18-2604, Reissue Revised Statutes of Nebraska, and sections 84-613 and 85-1920, Revised Statutes Cumulative Supplement, 2004; to change allocation of interest earned on the Cash Reserve Fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1132. Introduced by Price, 26.

A BILL FOR AN ACT relating to behavioral health; to provide for the use of family-centered practice as prescribed; and to state intent.

LEGISLATIVE BILL 1133. Introduced by Brashear, 4; Bourne, 8.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-4202, 29-4203, 29-4204, 29-4205, 29-4206, and 29-4207, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to audiovisual court appearances; and to repeal the original sections.

LEGISLATIVE BILL 1134. Introduced by Brashear, 4; Bourne, 8; Brown,

6; Cornett, 45; Kruse, 13; Mines, 18; Pahls, 31; Preister, 5; Synowiecki, 7.

A BILL FOR AN ACT relating to convention center facility financing; to amend sections 13-2601, 13-2603, 13-2605, 13-2607, 13-2609, and 13-2610, Revised Statutes Cumulative Supplement, 2004; to modify the Convention Center Facility Financing Assistance Act; to define terms; to eliminate a termination provision; to harmonize provisions; to repeal the original sections; and to outright repeal sections 13-2608 and 13-2612, Revised Statutes Cumulative Supplement, 2004.

LEGISLATIVE BILL 1135. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to courts; to adopt the Uniform Conflict of Laws Limitation Act; to harmonize provisions; and to outright repeal section 25-215, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1136. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to administrative agencies; to amend section 84-917, Reissue Revised Statutes of Nebraska; to provide for modification of findings and decisions in contested cases; and to repeal the original section.

LEGISLATIVE BILL 1137. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-2603, Reissue Revised Statutes of Nebraska; to change provisions relating to payment or delivery of money or personal property to a minor as prescribed; and to repeal the original section.

NOTICE OF COMMITTEE HEARINGS

Agriculture

Room 1524

LB 916	Tuesday, January 24, 2006	1:30 p.m.
LB 1018	Tuesday, January 24, 2006	1:30 p.m.
LB 964	Tuesday, January 24, 2006	1:30 p.m.
LB 934	Tuesday, January 24, 2006	1:30 p.m.

Room 2102

LB 856	Tuesday, January 31, 2006	1:30 p.m.
LB 873	Tuesday, January 31, 2006	1:30 p.m.
LB 986	Tuesday, January 31, 2006	1:30 p.m.

Tuesday, January 31, 2006 1:30 p.m.
Jamie Karl - Climate Assessment Response Committee

(Signed) Bob Kremer, Chairperson

Transportation and Telecommunications
Room 1113

LB 1056	Tuesday, January 24, 2006	1:30 p.m.
LB 1057	Tuesday, January 24, 2006	1:30 p.m.
LB 1065	Tuesday, January 24, 2006	1:30 p.m.

(Signed) Tom Baker, Chairperson

Urban Affairs
Room 1510

LB 1029	Tuesday, January 24, 2006	1:30 p.m.
LB 1037	Tuesday, January 24, 2006	1:30 p.m.
LB 1054	Tuesday, January 24, 2006	1:30 p.m.
LB 1066	Tuesday, January 24, 2006	1:30 p.m.

(Signed) Mike Friend, Chairperson

AMENDMENT - Print in Journal

Senator Schrock filed the following amendment to LB 120:
AM1878

1. Strike the original sections and insert the following new sections:

Section 1. Section 54-2419, Reissue Revised Statutes of Nebraska, is amended to read:

54-2419. (1) No new animal feeding operation shall be issued a permit in any part of a watershed that feeds directly or indirectly into a cold water class A stream, ~~as designated under~~ delineated pursuant to section 54-2421.

(2) An existing animal feeding operation may not expand if its livestock waste control facility is located within one mile of a designated cold water class A stream segment delineated pursuant to section 54-2421 and the same cold water class A stream watershed as the animal feeding operation, except that an existing animal feeding operation used for research sponsored by the University of Nebraska at a facility owned by the University of Nebraska may expand if the department determines based on scientific information provided in the application or other available information that the proposed expansion does not pose a potential threat to the stream.

(3) Existing animal feeding operations may receive a new or modified permit if:

(a) The existing animal feeding operation does not currently have a permit and upon inspection by the department a determination is made that one is necessary;

(b) The existing animal feeding operation modifies its operation but does not expand its approved livestock waste control

facility; ~~or~~

(c) The existing animal feeding operation's livestock waste control facility is located more than two miles from a designated cold water class A stream segment delineated pursuant to section 54-2421 and in the same cold water class A watershed as the animal feeding operation ; or ~~.~~

(d) The existing animal feeding operation or livestock waste control facility is located less than two miles from a cold water class A stream delineated pursuant to section 54-2421, and the department determines based on scientific information provided in the application or other available information that the proposed expansion does not pose a potential threat to the stream.

~~(3)~~ (4) The department may deny or restrict an application for a permit regarding a transfer or major modification of an existing permit based upon the potential degradation of a cold water class A stream.

Sec. 2. Original section 54-2419, Reissue Revised Statutes of Nebraska, is repealed.

GENERAL FILE

LEGISLATIVE BILL 57. Senator Chambers renewed his pending amendment, FA200, found on page 1313, First Session, 2005.

Senator Chambers moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 7:

Beutler	Janssen	Landis	Schimek
Brown	Kruse	Louden	

Voting in the negative, 19:

Brashear	Erdman	Heidemann	Mines	Stuhr
Burling	Fischer	Kopplin	Pedersen, Dw.	Stuthman
Cunningham	Foley	Kremer	Schrock	Wehrbein
Engel	Friend	Langemeier	Smith	

Present and not voting, 18:

Aguilar	Chambers	Cudaback	Pahls	Redfield
Baker	Combs	Howard	Pederson, D.	Synowiecki
Bourne	Connealy	Johnson	Preister	
Byars	Cornett	McDonald	Price	

Excused and not voting, 5:

Flood Hudkins Jensen Raikes Thompson

The Chambers amendment lost with 7 ayes, 19 nays, 18 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
Reconsider the vote taken on FA200.

SPEAKER BRASHEAR PRESIDING

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1138. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1001, Revised Statutes Cumulative Supplement, 2004; to provide for additional state aid as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1139. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.13, Reissue Revised Statutes of Nebraska; to exempt fuel purchases by commercial launderers from sales tax; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1140. Introduced by Nebraska Retirement Systems Committee: Stuhr, 24, Chairperson; Bourne, 8; Erdman, 47; D. Pederson, 42; Price, 26; Synowiecki, 7.

A BILL FOR AN ACT relating to retirement systems; to amend sections 23-2301, 23-2305.01, 23-2317, 84-1301, 84-1305.02, and 84-1319, Revised Statutes Cumulative Supplement, 2004, and sections 23-2308.01 and 84-1309.02, Revised Statutes Supplement, 2005; to redefine terms; to change provisions relating to cash balance dividends as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1141. Introduced by Stuhr, 24; Bourne, 8; Erdman, 47; D. Pederson, 42; Price, 26; Synowiecki, 7.

A BILL FOR AN ACT relating to the Nebraska Retirement Systems Committee; to amend sections 50-401.01, 50-416.01, 50-417, 71-1631.02,

79-976, 79-987, and 81-2022, Reissue Revised Statutes of Nebraska, sections 2-3228, 12-101, 14-567, 14-1805.01, 14-2111, 15-1017, 16-1017, 16-1037, 19-3501, 23-1118, and 23-3526, Revised Statutes Cumulative Supplement, 2004, and sections 24-704, 72-1243, and 84-1503, Revised Statutes Supplement, 2005; to rename the committee; to change the membership and duties as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1142. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to retirement systems; to amend section 79-902, Revised Statutes Supplement, 2005; to redefine terms related to school employees; and to repeal the original section.

LEGISLATIVE BILL 1143. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to condominium law; to amend sections 76-881, 76-883, and 76-886, Reissue Revised Statutes of Nebraska; to change provisions relating to public-offering statements and rights of tenants; and to repeal the original sections.

LEGISLATIVE BILL 1144. Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to counties; to amend section 23-1824, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to autopsies; to provide powers and duties for the Attorney General; to provide for reimbursement of certain county expenses; and to repeal the original section.

LEGISLATIVE BILL 1145. Introduced by Bourne, 8; Flood, 19; Jensen, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services as prescribed; and to declare an emergency.

LEGISLATIVE BILL 1146. Introduced by Flood, 19.

A BILL FOR AN ACT relating to DNA testing; to amend section 29-4126, Revised Statutes Supplement, 2005; to provide exemptions from certain DNA testing limitations as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1147. Introduced by Kremer, 34; Stuhr, 24.

A BILL FOR AN ACT relating to the Director of Natural Resources; to eliminate qualifications; and to outright repeal section 61-201, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1148. Introduced by Cornett, 45; Aguilar, 35;

Baker, 44; Bourne, 8; Brown, 6; Byars, 30; Combs, 32; Connealy, 16; Cunningham, 40; Erdman, 47; Foley, 29; Heidemann, 1; Janssen, 15; Jensen, 20; Johnson, 37; Kruse, 13; Landis, 46; Pahls, 31; Dw. Pedersen, 39; Preister, 5; Price, 26; Schimek, 27; Schrock, 38; Smith, 48; Stuhr, 24; Stuthman, 22; Synowiecki, 7; Thompson, 14; Wehrbein, 2.

A BILL FOR AN ACT relating to schools; to amend section 25-21,280, Revised Statutes Supplement, 2005; to state intent; to define terms; to provide for student possession and self-administration of prescription asthma or anaphylaxis medication; and to repeal the original section.

LEGISLATIVE BILL 1149. Introduced by Cornett, 45; Aguilar, 35.

A BILL FOR AN ACT relating to foreign national minors; to state intent; to define terms; to require notification; to provide duties for the Department of Health and Human Services; to provide for rules and regulations; and to provide for construction of sections.

LEGISLATIVE BILL 1150. Introduced by Cornett, 45; Brown, 6; Jensen, 20; Stuhr, 24.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2207, Reissue Revised Statutes of Nebraska; to provide for a fingerprinting fee as prescribed; to create a fund; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 1151. Introduced by Cornett, 45; Pahls, 31.

A BILL FOR AN ACT relating to state government; to amend sections 81-5,151 and 81-5,157, Reissue Revised Statutes of Nebraska, and sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,118, Revised Statutes Supplement, 2005; to provide for Firefighter Plates; to change provisions relating to personalized message license plates; to provide for training for certain emergency personnel; to create a fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1152. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to railroads; to adopt the Local Community Rail Security Act; and to provide severability.

LEGISLATIVE BILL 1153. Introduced by Bourne, 8; Jensen, 20.

A BILL FOR AN ACT relating to health care; to adopt the Health Care Improvement Through Deployment and Adoption of Information Technology Act.

LEGISLATIVE BILL 1154. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to elections; to amend section 32-716, Reissue Revised Statutes of Nebraska; to change provisions relating to new political parties; and to repeal the original section.

LEGISLATIVE BILL 1155. Introduced by Howard, 9; Bourne, 8; Byars, 30; Cunningham, 40; Louden, 49; McDonald, 41; Price, 26; Redfield, 12; Stuhr, 24; Synowiecki, 7; Thompson, 14.

A BILL FOR AN ACT relating to adoption; to amend section 43-117, Reissue Revised Statutes of Nebraska; to change provisions relating to adoptions of special needs children who are wards of the state; and to repeal the original section.

LEGISLATIVE BILL 1156. Introduced by Schrock, 38; Baker, 44; Burling, 33; Cudaback, 36; Johnson, 37; Kremer, 34; Louden, 49; McDonald, 41; D. Pederson, 42; Stuhr, 24; Wehrbein, 2.

A BILL FOR AN ACT relating to water resources; to state intent; and to prohibit irrigation of certain educational lands as prescribed.

LEGISLATIVE BILL 1157. Introduced by Kruse, 13.

A BILL FOR AN ACT relating to appropriations; to state intent relating to behavioral health care services; to define terms; to require annual rate increases for payments to adult and child behavioral health care service providers by the Nebraska Health and Human Services System; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 272CA. Introduced by Connealy, 16.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 12:

VIII-12 For the purpose of rehabilitating, acquiring, or redeveloping ~~substandard and blighted property in a redevelopment project as determined by law,~~ property, the Legislature may by law authorize any city or village of the state, ~~may,~~ notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, to incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise. Notwithstanding any other provision in the Constitution or a local charter, such cities or villages may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, which taxes shall be at such rate for a period not to exceed fifteen years, on the assessed valuation of the property in the project area

portion of a designated blighted and substandard area that is in excess of the assessed valuation of such property for the year prior to such rehabilitation, acquisition, or redevelopment.

When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to remove a requirement that property be substandard and blighted for purposes of rehabilitating, acquiring, or redeveloping such property through use of debt.

For

Against.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 273CA. Introduced by Brashear, 4; Schimek, 27; Synowiecki, 7.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article II, section 1:

II-1 (1) The powers of the government of this state are divided into three distinct departments, the legislative, executive, and judicial, and no person or collection of persons being one of these departments~~,~~ shall exercise any power properly belonging to either of the others~~,~~ except as ~~hereinafter~~ expressly directed or permitted in this Constitution.

(2) Notwithstanding the provisions of subsection (1) of this section, the Legislature may create boards, commissions, councils, or similar bodies consisting of voting members from more than one of such departments under the following conditions: (a) Members of the board, commission, council, or body shall not receive compensation other than per diem for service thereon; (b) the subject matter of the board, commission, council, or body shall encompass matters of concern of each department represented; (c) at least two members of the general public who are not public officials shall also be voting members of the board, commission, council, or body; and (d) no more than one-fifth of the voting members of the board, commission, council, or body shall be sitting members of the Legislature.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to permit the Legislature to create boards, commissions, councils, and similar bodies with voting members of the legislative, executive, and judicial departments as prescribed.

For
Against.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 274CA. Introduced by Brashear, 4; Synowiecki, 7.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article II, section 1:

II-1 (1) The powers of the government of this state are divided into three distinct departments, the legislative, executive, and judicial, and no person or collection of persons being one of these departments~~,~~ shall exercise any power properly belonging to either of the others~~,~~ except as ~~hereinafter~~ expressly directed or permitted in this Constitution.

(2) Notwithstanding the provisions of subsection (1) of this section, supervision of individuals sentenced to probation, released on parole, or enrolled in programs or services established within a court may be undertaken by either the judicial or executive department, or jointly, as provided by the Legislature.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to permit supervision of individuals sentenced to probation, released on parole, or enrolled in court programs or services by the judicial and executive departments as provided by the Legislature.

For
Against.

Referred to the Reference Committee.

NOTICE OF COMMITTEE HEARING
Education
Room 1525

LB 821	Tuesday, January 24, 2006	1:30 p.m.
LB 835	Tuesday, January 24, 2006	1:30 p.m.
LB 969	Tuesday, January 24, 2006	1:30 p.m.
LB 1074	Tuesday, January 24, 2006	1:30 p.m.

(Signed) Dennis Byars, Vice Chairperson

AMENDMENTS - Print in Journal

Senator Foley filed the following amendment to LB 57:
AM1893

(Amendments to AM1369)

1. Strike amendment 1 and insert the following new amendment:

1. On page 3, after line 23, insert the following new subsection:

"(3) For the purposes of this section, unborn child shall have the same meaning as in section 3 of this act.".

Senator Byars filed the following amendment to LB 85A:
AM1879

1. Strike the original section and insert the following new section:

Section 1. There is hereby appropriated (1) $59,594 from the General Fund and $82,296 from federal funds for FY2006-07 and (2) $105,226 from the General Fund and $145,312 from federal funds for FY2007-08 to the Department of Health and Human Services Finance and Support, for Program 348, to aid in carrying out the provisions of Legislative Bill 85, Ninety-ninth Legislature, Second Session, 2006.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Senator Chambers filed the following amendment to LB 542A:
FA351

1. P. 2, line 1 strike "100,000" and insert "$250,000"

UNANIMOUS CONSENT - Add Cointroducers

Senator Stuhr asked unanimous consent to add her name as cointroducer to LB 65. No objections. So ordered.

Senator Flood asked unanimous consent to add his name as cointroducer to LB 844. No objections. So ordered.

Senator Burling asked unanimous consent to add his name as cointroducer to LB 1044. No objections. So ordered.

Senator Aguilar asked unanimous consent to add his name as cointroducer to LBs 1080 and 1088. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to add his name as cointroducer to LB 1111. No objections. So ordered.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 245, 246, 247, 248, 249, 255, 256, 257, 258, 260, and 261 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 245, 246, 247, 248, 249, 255, 256, 257, 258, 260, and 261.

VISITORS

Visitors to the Chamber were Tom and Erma Murray, Gwen Oenbring, and Dora Wissler from Pawnee City; Michelle and Kevin Howell from Bellevue; Geri Benton from Norfolk; Kay Gabel, Pauline Francisco, and Ted Thormahlen from Scottsbluff and Ann Eckerberg from Gering; and Cliff Loseke from Columbus.

The Doctor of the Day was Dr. Rebecca Rezaei from Elkhorn.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Byars, the Legislature adjourned until 9:00 a.m., Wednesday, January 18, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TENTH DAY - JANUARY 18, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 18, 2006

PRAYER

The prayer was offered by Pastor Jane Heenan, Holy Trinity Episcopal Church, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Beutler, Brashear, Cunningham, Engel, Langemeier, Mines, and D. Pederson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the ninth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB 1006	Education (rereferred)
LB 1059	Government, Military and Veterans Affairs (rereferred)
LB 1080	Revenue
LB 1081	Agriculture
LB 1082	Natural Resources
LB 1083	Appropriations
LB 1084	Government, Military and Veterans Affairs
LB 1085	Transportation and Telecommunications
LB 1086	Health and Human Services
LB 1087	Revenue
LB 1088	Health and Human Services
LB 1089	Revenue
LB 1090	Education
LB 1091	Business and Labor

LB 1092	Judiciary
LB 1093	Education
LB 1094	Revenue
LB 1095	Natural Resources
LB 1096	Judiciary
LB 1097	Natural Resources
LB 1098	Natural Resources
LB 1099	Natural Resources
LB 1100	Judiciary
LB 1101	Judiciary
LB 1102	Government, Military and Veterans Affairs
LB 1103	Judiciary
LB 1104	Health and Human Services
LB 1105	Revenue
LB 1106	Government, Military and Veterans Affairs

(Signed) Pat Engel, Chairperson
Legislative Council, Executive Board

NOTICE OF COMMITTEE HEARINGS
Health and Human Services
Room 1510

LB 869	Wednesday, January 25, 2006	1:30 p.m.
LB 915	Wednesday, January 25, 2006	1:30 p.m.
LB 944	Wednesday, January 25, 2006	1:30 p.m.
LB 999	Wednesday, January 25, 2006	1:30 p.m.
LB 1016	Wednesday, January 25, 2006	1:30 p.m.
LB 949	Thursday, January 26, 2006	1:30 p.m.
LB 953	Thursday, January 26, 2006	1:30 p.m.
LB 1002	Thursday, January 26, 2006	1:30 p.m.

(Signed) Jim Jensen, Chairperson

Government, Military and Veterans Affairs
Room 1507

LB 898	Wednesday, January 25, 2006	1:30 p.m.
LB 899	Wednesday, January 25, 2006	1:30 p.m.
LB 900	Wednesday, January 25, 2006	1:30 p.m.
LB 902	Wednesday, January 25, 2006	1:30 p.m.
LB 771	Thursday, January 26, 2006	1:30 p.m.
LB 903	Thursday, January 26, 2006	1:30 p.m.
LB 921	Thursday, January 26, 2006	1:30 p.m.
LB 996	Thursday, January 26, 2006	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

Natural Resources
Room 1525

LB 970	Wednesday, January 25, 2006	1:30 p.m.
LB 783	Wednesday, January 25, 2006	1:30 p.m.
LB 820	Wednesday, January 25, 2006	1:30 p.m.
LB 919	Wednesday, January 25, 2006	1:30 p.m.
LB 901	Thursday, January 26, 2006	1:30 p.m.
LB 975	Thursday, January 26, 2006	1:30 p.m.

(Signed) Ed Schrock, Chairperson

AMENDMENT - Print in Journal

Senator Combs filed the following amendment to LB 454:
(Amendment, AM1884, is printed separately and available in the Bill Room, Room 1104.)

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 87A. Introduced by Byars, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 87, Ninety-ninth Legislature, Second Session, 2006.

LEGISLATIVE BILL 1158. Introduced by Business and Labor Committee: Cunningham, 40; Chairperson; Burling, 33; Combs, 32; Kremer, 34; Preister, 5; Schimek, 27; and Wehrbein, 2.

A BILL FOR AN ACT relating to claims against the state; to amend sections 81-8,210, 81-8,212, 81-8,213, 81-8,228, 81-8,239.01, 81-8,294, and 81-8,300, Reissue Revised Statutes of Nebraska, and sections 81-8,211 and 81-8,224, Revised Statutes Supplement, 2005; to change provisions relating to the Risk Manager and the State Claims Board and claim procedure; to provide a statute of limitations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1159. Introduced by Byars, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.12, Revised Statutes Supplement, 2005; to exempt purchases by certain community-based mental health programs from sales and use taxes; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1160. Introduced by Kruse, 13.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-101, Reissue Revised Statutes of Nebraska; to provide for a beverage server training program and a fee; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1161. Introduced by Preister, 5.

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend section 81-1532, Revised Statutes Cumulative Supplement, 2004; to provide powers and duties for the Environmental Quality Council; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1162. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to the Livestock Brand Act; to amend section 54-1,111, Reissue Revised Statutes of Nebraska; to change requirements for sale or trade of cattle in brand inspection areas; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 57. Senator Chambers renewed his pending motion, found on page 351, to reconsider the vote taken on FA200.

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 2 nays, and 27 not voting.

Senator Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 3:

Chambers	Landis	Schimek

Voting in the negative, 20:

Aguilar	Erdman	Friend	Kremer	Smith
Brashear	Fischer	Heidemann	Pedersen, Dw.	Stuhr
Cunningham	Flood	Jensen	Redfield	Stuthman
Engel	Foley	Kopplin	Schrock	Wehrbein

Present and not voting, 20:

Baker	Byars	Howard	Louden	Price
Bourne	Connealy	Janssen	McDonald	Raikes
Brown	Cornett	Johnson	Pahls	Synowiecki
Burling	Cudaback	Kruse	Pederson, D.	Thompson

Excused and not voting, 6:

Beutler	Hudkins	Mines
Combs	Langemeier	Preister

The Chambers motion to reconsider failed with 3 ayes, 20 nays, 20 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1163. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to the Nebraska Hospital-Medical Liability Act; to amend section 44-2828, Reissue Revised Statutes of Nebraska; to change the statute of limitations for malpractice or professional negligence actions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1164. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to ground water; to amend sections 46-602 and 46-602.01, Reissue Revised Statutes of Nebraska; to change provisions relating to water wells; and to repeal the original sections.

LEGISLATIVE BILL 1165. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3446, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Supplement, 2005; to change levy and budget restrictions as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1166. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-518 and 77-3442, Revised Statutes Supplement, 2005; to redefine a term; to change levy limitations for cities, villages, and counties; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1167. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to schools; to amend sections 79-241, 79-550, 79-1092, and 79-1202, Reissue Revised Statutes of Nebraska, section 79-1009, Revised Statutes Cumulative Supplement, 2004, and section 79-409, Revised Statutes Supplement, 2005; to provide for creation

of new Class III school districts in certain areas; to create and provide duties for a committee; to provide for magnet schools, grants, matching funds, and enrollment options as prescribed; to provide for expenditures on classroom instruction costs; to eliminate a provision relating to a Class III school districts within a city of the metropolitan class; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-476, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1168. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to certificates of title; to amend sections 37-1201, 37-1211, 37-1279, 37-1280, 37-1282, 37-1283, 37-1285, 37-1286, 37-1287, and 37-1290, Reissue Revised Statutes of Nebraska, and sections 52-1801, 60-101, 60-144, 60-145, 60-147, 60-152, 60-153, 60-154, 60-163, 60-164, 60-166, 60-169, and 77-2703, Revised Statutes Supplement, 2005; to provide for an electronic lien and paperless titling system; to change fee provisions; to require payment of sales tax for issuance of certificates of title; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 60-155 and 60-3,165, Revised Statutes Supplement, 2005.

LEGISLATIVE BILL 1169. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 60-498.02, 60-601, 60-6,196, 60-6,197.01, 60-6,197.04, and 60-6,211.05, Reissue Revised Statutes of Nebraska, and sections 60-6,197.02 and 60-6,197.03, Revised Statutes Supplement, 2005; to require the use of ignition interlock devices as prescribed; to provide financial assistance for such devices as prescribed; to authorize fees; to create a fund; to change provisions regarding the suspension and revocation of operator's licenses; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1170. Introduced by Redfield, 12; Erdman, 47.

A BILL FOR AN ACT relating to rules and regulations; to adopt the Regulatory Flexibility Act.

LEGISLATIVE BILL 1171. Introduced by Combs, 32; Schimek, 27.

A BILL FOR AN ACT relating to revenue; to amend sections 77-3501.01 and 77-3505.02, Reissue Revised Statutes of Nebraska; to change provisions relating to homestead exemptions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1172. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Reissue Revised Statutes of Nebraska; to authorize placement of road name signs by local authorities as prescribed; to

harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1173. Introduced by Friend, 10.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-2147, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to ad valorem tax as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1174. Introduced by Friend, 10.

A BILL FOR AN ACT relating to rural water districts; to provide requirements for the annexation of property by a city or village; to define terms; and to provide powers and duties.

LEGISLATIVE BILL 1175. Introduced by Urban Affairs Committee: Friend, 10, Chairperson; Combs, 32; Connealy, 16; Cornett, 45; Janssen, 15; Landis, 46; Schimek, 27.

A BILL FOR AN ACT relating to the Mutual Finance Assistance Act; to amend sections 35-1202, 35-1204, and 35-1207, Reissue Revised Statutes of Nebraska; to change provisions relating to mutual finance organizations as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1176. Introduced by Urban Affairs Committee: Friend, 10, Chairperson; Combs, 32; Connealy, 16; Cornett, 45; Janssen, 15; Landis, 46; Schimek, 27.

A BILL FOR AN ACT relating to the Mutual Finance Assistance Act; to amend section 35-1205, Reissue Revised Statutes of Nebraska; to change provisions relating to the computation of assumed population; and to repeal the original section.

LEGISLATIVE BILL 1177. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to health and human services; to state intent; to provide for legislation to restructure and recodify statutes relating to credentialing of individuals and businesses engaged in certain health professions and occupations; to eliminate obsolete provisions; and to outright repeal sections 71-1,340, 71-1,341, and 71-1,342, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1178. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to health care; to amend sections 81-657 and 81-660, Reissue Revised Statutes of Nebraska; to change reporting requirements for the brain injury registry; to repeal the original sections; and to outright repeal section 81-658, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1179. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to the State Behavioral Health Council; to amend sections 71-802, 71-814, and 71-820, Revised Statutes Cumulative Supplement, 2004, and sections 71-815 and 71-816, Revised Statutes Supplement, 2005; to eliminate the council; to provide powers and duties for the Division of Behavioral Health Services; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-813, Revised Statutes Supplement, 2005.

LEGISLATIVE BILL 1180. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-401 and 29-1816, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to juvenile arrest and waiver or transfer to juvenile court; to repeal the original sections; and to outright repeal section 43-261, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1181. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-256 and 43-408, Reissue Revised Statutes of Nebraska; to change and provide provisions relating to detention; and to repeal the original sections.

LEGISLATIVE BILL 1182. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to insurance; to amend sections 44-1615, 44-1616, and 44-1617, Reissue Revised Statutes of Nebraska; to authorize public employers to include elected officials in certain employer benefit plans; and to repeal the original sections.

LEGISLATIVE BILL 1183. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to motor vehicle registration; to amend sections 60-3,185 and 60-3,189, Revised Statutes Supplement, 2005; to create an exemption from motor vehicle taxation for unmarried surviving spouses of certain veterans; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1184. Introduced by Wehrbein, 2; Schimek, 27.

A BILL FOR AN ACT relating to the Secretary of State; to prohibit certain activities related to campaign committees.

LEGISLATIVE BILL 1185. Introduced by Connealy, 16; Flood, 19.

A BILL FOR AN ACT relating to counties; to authorize counties to enact ordinances as prescribed; and to provide powers and duties.

LEGISLATIVE BILL 1186. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to renewable fuel; to create the Renewable Fuel Infrastructure Cost-Share Program; to state intent; to define terms; and to provide powers and duties to the Department of Economic Development.

LEGISLATIVE BILL 1187. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to oils, fuels, and energy; to provide for the sale and use of alternative fuel as prescribed; and to define terms.

LEGISLATIVE BILL 1188. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to the Nebraska Indian Child Welfare Act; to amend section 43-1503, Reissue Revised Statutes of Nebraska; to redefine Indian child; and to repeal the original section.

LEGISLATIVE BILL 1189. Introduced by Synowiecki, 7; Baker, 44; Connealy, 16.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.47, Revised Statutes Supplement, 2005; to change a sales tax exemption relating to molds and dies; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1190. Introduced by Synowiecki, 7; Flood, 19.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101, 28-201, and 28-932, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to assault by a confined person; to create the offense of assault on an officer using bodily fluids; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1191. Introduced by Howard, 9.

A BILL FOR AN ACT relating to road funds; to amend section 39-2507, Reissue Revised Statutes of Nebraska; to change distribution of certain road funds; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1192. Introduced by Landis, 46.

A BILL FOR AN ACT relating to public health and welfare; to ensure adequate funding of the federal government's Low Income Home Energy Assistance Program; to state intent; and to provide duties for the Department of Health and Human Services.

LEGISLATIVE BILL 1193. Introduced by Landis, 46.

A BILL FOR AN ACT relating to interest, loans, and debt; to amend

sections 45-901, 45-906, 45-907, 45-911, 45-912, 45-915, 45-916, 45-917, 45-919, 45-922, and 45-925, Reissue Revised Statutes of Nebraska; to change provisions relating to the Delayed Deposit Services Licensing Act; and to repeal the original sections.

LEGISLATIVE BILL 1194. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend sections 43-2007, 60-658, 79-215, 79-233, 79-234, 79-237, 79-238, 79-239, 79-240, 79-313, 79-318, 79-528, 79-598, 79-606, 79-608, 79-809, 79-810, 79-1010, 79-10,110, 79-1110, 79-1212, 79-1601, 79-1606, and 85-607, Reissue Revised Statutes of Nebraska, section 79-1011, Revised Statutes Cumulative Supplement, 2004, and section 79-611, Revised Statutes Supplement, 2005; to change provisions relating to missing person notifications, school transportation, wards' tuition, the enrollment option program, the State Board of Education, reports, contracts, certificates, reorganization incentives under the Tax Equity and Educational Opportunities Support Act, health and safety modifications, meetings of reorganized educational service unit boards, and schools which elect not to meet accreditation or approval requirements; to eliminate provisions relating to the Diagnostic Resource Center at Cozad, and temporary mitigation funds; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-1072.01, 79-1168, 79-1169, 79-1170, 79-1171, 79-1172, 79-1173, 79-1174, 79-1175, 79-1176, 79-1177, and 79-1178, Reissue Revised Statutes of Nebraska.

NOTICE OF COMMITTEE HEARINGS
Judiciary
Room 1113

LB 773	Wednesday, January 25, 2006	1:30 p.m.
LB 780	Wednesday, January 25, 2006	1:30 p.m.
LB 885	Wednesday, January 25, 2006	1:30 p.m.
LB 1000	Wednesday, January 25, 2006	1:30 p.m.
LB 1100	Wednesday, January 25, 2006	1:30 p.m.
LB 1103	Wednesday, January 25, 2006	1:30 p.m.
LB 784	Thursday, January 26, 2006	1:30 p.m.
LB 918	Thursday, January 26, 2006	1:30 p.m.
LB 991	Thursday, January 26, 2006	1:30 p.m.
LB 1052	Thursday, January 26, 2006	1:30 p.m.
LB 1063	Thursday, January 26, 2006	1:30 p.m.
LB 1096	Thursday, January 26, 2006	1:30 p.m.

(Signed) Patrick J. Bourne, Chairperson

GENERAL FILE

LEGISLATIVE BILL 57. Senator Chambers renewed his pending amendment, FA202, found on page 1315, First Session, 2005.

Senator Chambers moved for a call of the house. The motion prevailed with 17 ayes, 2 nays, and 30 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Kruse

Voting in the negative, 24:

Baker	Cunningham	Friend	Langemeier	Smith
Brashear	Engel	Heidemann	Louden	Stuhr
Burling	Erdman	Jensen	Pedersen, Dw.	Stuthman
Byars	Fischer	Kopplin	Redfield	Wehrbein
Cornett	Foley	Kremer	Schrock	

Present and not voting, 17:

Beutler	Connealy	Johnson	Pederson, D.	Thompson
Bourne	Cudaback	Landis	Price	
Brown	Howard	McDonald	Raikes	
Chambers	Janssen	Pahls	Synowiecki	

Excused and not voting, 7:

Aguilar	Flood	Mines	Schimek
Combs	Hudkins	Preister	

The Chambers amendment lost with 1 aye, 24 nays, 17 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
Reconsider the vote taken on FA202.

PRESIDENT SHEEHY PRESIDING

SENATOR CUDABACK PRESIDING

PRESIDENT SHEEHY PRESIDING

SENATOR CUDABACK PRESIDING

Senator Chambers requested a record vote on his motion to reconsider.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 16:

Aguilar	Foley	Kremer	Smith
Byars	Friend	Langemeier	Stuhr
Engel	Jensen	McDonald	Stuthman
Erdman	Kopplin	Pedersen, Dw.	Wehrbein

Present and not voting, 23:

Baker	Burling	Heidemann	Pahls	Schrock
Beutler	Cornett	Janssen	Pederson, D.	Synowiecki
Bourne	Cudaback	Johnson	Price	Thompson
Brashear	Cunningham	Kruse	Raikes	
Brown	Fischer	Louden	Redfield	

Excused and not voting, 9:

Combs	Flood	Hudkins	Mines	Schimek
Connealy	Howard	Landis	Preister	

The Chambers motion to reconsider failed with 1 aye, 16 nays, 23 present and not voting, and 9 excused and not voting.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1195. Introduced by Schrock, 38; Hudkins, 21; Kopplin, 3; Kremer, 34; Louden, 49; Stuhr, 24; Wehrbein, 2.

A BILL FOR AN ACT relating to the Livestock Waste Management Act; to amend section 54-2416, Reissue Revised Statutes of Nebraska; to require counties to grant certain conditional use permits and special exceptions as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1196. Introduced by Flood, 19.

A BILL FOR AN ACT relating to personal information; to amend sections 42-358.08, 42-364, 42-364.13, 42-724, 42-737, 42-1103, 43-1412, 43-1730, and 43-3334, Reissue Revised Statutes of Nebraska; to delete references to

social security numbers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1197. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to grain; to adopt the Feed Bank Licensure Act; and to provide duties for certain purchasers of grain.

LEGISLATIVE BILL 1198. Introduced by Connealy, 16; Cunningham, 40; Preister, 5.

A BILL FOR AN ACT relating to motor fuels; to amend sections 66-485, 66-488, and 66-489, Revised Statutes Cumulative Supplement, 2004, and section 66-482, Revised Statutes Supplement, 2005; to provide for microscale producers; to provide reporting and security requirements for such producers; to provide an exemption from tax; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1199. Introduced by Bourne, 8; Aguilar, 35; Combs, 32; Connealy, 16; Erdman, 47; Flood, 19; Foley, 29; Friend, 10; Howard, 9; Dw. Pedersen, 39; Stuthman, 22; Synowiecki, 7; at the request of the Governor.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-319, 28-367, 29-2028, 29-2221, 42-1203, 53-1,120, 71-1,206.14, 71-1,206.18, 71-1,206.34, 71-6908, 79-267, 83-1,100, and 83-1,103, Reissue Revised Statutes of Nebraska, sections 28-101, 28-111, 28-311, 28-318, 28-320.01, 28-320.02, 28-707, 29-119, 29-1926, 29-2290, 29-2923, 29-3705, 29-4001, 29-4005, 29-4006, 29-4007, 29-4011, 29-4103, 30-2627, 71-901, 71-902, 71-903, 71-912, 71-914, 71-916, 71-917, 71-918, 71-919, 71-920, 71-921, 71-924, 71-925, 71-926, 71-927, 71-929, 71-931, 71-933, 71-934, 71-935, 71-936, 71-937, 71-938, 71-939, 71-940, 71-941, 71-942, 71-943, 71-944, 71-945, 71-946, 71-947, 71-948, 71-949, 71-951, 71-954, 71-955, 71-956, 71-957, 71-958, 71-959, 71-960, 71-961, 71-962, 80-601, 81-1850, 83-338, 83-351, 83-364, 83-376, and 83-933, Revised Statutes Cumulative Supplement, 2004, and sections 29-110, 29-4003, 29-4004, 29-4009, 29-4013, 71-922, 83-1,102, 83-1,135, and 83-4,143, Revised Statutes Supplement, 2005; to change penalties for sexual assault of a child; to change provisions relating to sex offenders; to provide duties for sentencing courts; to rename the Nebraska Mental Health Commitment Act; to provide for lifetime community supervision of certain offenders as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1200. Introduced by Bourne, 8; Cunningham, 40; Synowiecki, 7.

A BILL FOR AN ACT relating to the Nebraska Clean Indoor Air Act; to amend section 71-5713, Reissue Revised Statutes of Nebraska; to provide for a civil penalty for unsubstantiated or frivolous claims; and to repeal the

original section.

LEGISLATIVE BILL 1201. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3508 and 77-3513, Revised Statutes Supplement, 2005; to change homestead exemption provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1202. Introduced by Engel, 17.

A BILL FOR AN ACT relating to trade names; to amend sections 87-219 and 87-220, Reissue Revised Statutes of Nebraska, and section 87-210, Revised Statutes Supplement, 2005; to change registration and publication provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1203. Introduced by Stuhr, 24; Byars, 30; Kopplin, 3; McDonald, 41; Pahls, 31; Schimek, 27; Schrock, 38.

A BILL FOR AN ACT relating to civic education; to create the Civics Nebraska Partnership Council; to specify membership; to state duties; to provide for procedures; to create a cash fund; and to state a termination date.

LEGISLATIVE BILL 1204. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Special Education Act; to amend sections 79-1110 and 79-1128, Reissue Revised Statutes of Nebraska; to provide an alternative method of reimbursement for special education and related services; to eliminate a restriction on programs eligible for reimbursement; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1205. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to sex offenders; to provide for a sex offender treatment and management working group; and to provide powers and duties.

LEGISLATIVE BILL 1206. Introduced by Louden, 49; Combs, 32; Cornett, 45; Kopplin, 3; Pahls, 31.

A BILL FOR AN ACT relating to law enforcement; to amend section 53-160, Reissue Revised Statutes of Nebraska; to adopt the Citizen Safety Grant Fund Program Act; to change provisions relating to a tax on alcoholic liquor; to harmonize provisions; to provide operative dates; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1207. Introduced by Burling, 33; Howard, 9; Kopplin, 3; McDonald, 41; Pahls, 31; Stuhr, 24.

A BILL FOR AN ACT relating to the Cooperative Extension Service; to provide for grants for methamphetamine abuse prevention and education; to state intent relating to appropriations; and to declare an emergency.

LEGISLATIVE BILL 1208. Introduced by Raikes, 25; Baker, 44; D. Pederson, 42; Stuhr, 24.

A BILL FOR AN ACT relating to education funding; to amend sections 79-761, 79-1018.01, 79-1204, 79-1223, 79-1233, 79-1241.01, 79-1241.02, 79-1243, 79-1302, 79-1303, 79-1304, and 79-1325, Reissue Revised Statutes of Nebraska, sections 9-812, 81-1634, 86-515, and 86-520, Revised Statutes Cumulative Supplement, 2004, and sections 79-1003, 79-1007.02, 79-1028, and 86-516, Revised Statutes Supplement, 2005; to harmonize language relating to state lottery proceeds with the 2004 constitutional amendment to Article III, section 24; to change provisions relating to distribution of the Education Innovation Fund, allowances and allowable growth rates under the Tax Equity and Educational Opportunities Support Act, and educational services units; to create a council; to define terms; to provide for distance education and incentives; to eliminate the Attracting Excellence to Teaching Program Act, a program, and funds; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-8,132, 79-8,133, 79-8,134, 79-8,135, 79-8,136, 79-8,137, 79-8,138, 79-8,139, 79-8,140, 79-1301, 79-1305, 79-1306, 79-1307, 79-1310, and 79-1328, Reissue Revised Statutes of Nebraska, and sections 79-1329 and 79-1330, Revised Statutes Supplement, 2005.

LEGISLATIVE BILL 1209. Introduced by Kruse, 13; Burling, 33; Jensen, 20; Johnson, 37; Kopplin, 3; Kremer, 34; Wehrbein, 2.

A BILL FOR AN ACT relating to alcohol; to amend sections 53-160, 53-161, 53-162, 53-164.01, 53-187, 53-199, and 81-1806, Reissue Revised Statutes of Nebraska; to change provisions relating to alcohol taxation; to adopt the Alcohol-Related Crash Reparations Act; to provide for payments to victims of alcohol-related crashes; to create a fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1210. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to sex offenders; to adopt the Sex Offender Court-Ordered Treatment Act.

LEGISLATIVE BILL 1211. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to schools; to amend section 79-724, Reissue Revised Statutes of Nebraska; to change provisions relating to Americanism instruction; to provide for rules and regulations; and to repeal the original section.

LEGISLATIVE BILL 1212. Introduced by Cunningham, 40.

A BILL FOR AN ACT relating to cigarette tax; to amend sections 77-2601, 77-2602.01, 77-2602.03, 77-2603, 77-2604, 77-2605, 77-2608, 77-2612, and 77-2621, Reissue Revised Statutes of Nebraska; to provide for reporting and collection of tax by direct sellers of cigarettes; to prohibit delivery of cigarettes as prescribed; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 1213. Introduced by Smith, 48.

A BILL FOR AN ACT relating to private, denominational, or parochial schools; to amend section 79-1601, Reissue Revised Statutes of Nebraska; to clarify provisions related to a parent or guardian and schools that have elected not to meet state accreditation or approval requirements; and to repeal the original section.

LEGISLATIVE BILL 1214. Introduced by Smith, 48.

A BILL FOR AN ACT relating to the Livestock Waste Management Act; to amend section 54-2419, Reissue Revised Statutes of Nebraska; to change permit conditions and restrictions relating to cold water class A streams; and to repeal the original section.

LEGISLATIVE BILL 1215. Introduced by Baker, 44.

A BILL FOR AN ACT relating to mobile homes; to amend section 60-169, Revised Statutes Supplement, 2005; to change provisions relating to certificates of title; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1216. Introduced by Baker, 44.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1340, Revised Statutes Supplement, 2005; to change provisions relating to assumption of the assessment function by the state; and to repeal the original section.

LEGISLATIVE BILL 1217. Introduced by Baker, 44.

A BILL FOR AN ACT relating to ethanol; to amend section 66-1344, Revised Statutes Supplement, 2005; to change a provision relating to use of tax credits; and to repeal the original section.

LEGISLATIVE BILL 1218. Introduced by Redfield, 12; Cunningham, 40.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-115, Revised Statutes Supplement, 2005; to change the definition of employee; and to repeal the original section.

LEGISLATIVE BILL 1219. Introduced by Byars, 30.

A BILL FOR AN ACT relating to health and human services; to amend section 71-1628.04, Revised Statutes Cumulative Supplement, 2004; to change employment provisions relating to local public health departments; to state intent with respect to appropriations; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1220. Introduced by Byars, 30.

A BILL FOR AN ACT relating to health care; to adopt the Rural Behavioral Health Training and Placement Program Act.

LEGISLATIVE BILL 1221. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.14, Reissue Revised Statutes of Nebraska, and sections 77-2701 and 77-2701.16, Revised Statutes Supplement, 2005; to exempt nonautomatic, coin-operated car washes from sales and use taxes; to impose an annual fee on such car washes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1222. Introduced by Transportation and Telecommunications Committee: Baker, 44, Chairperson; Aguilar, 35; Brown, 6; Hudkins, 21; Stuthman, 22.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-128, 86-428, 86-435, 86-436, 86-437, 86-439, 86-440, 86-456, 86-457, 86-458, 86-459, 86-463, 86-465, 86-466, and 86-468, Revised Statutes Cumulative Supplement, 2004, and section 86-420, Revised Statutes Supplement, 2005; to change and eliminate provisions relating to rates and surcharges; to change provisions relating to civil liability; to harmonize provisions; to repeal the original sections; to outright repeal section 86-438, Revised Statutes Cumulative Supplement, 2004; and to declare an emergency.

LEGISLATIVE BILL 1223. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to pretrial diversion; to amend section 29-3606, Revised Statutes Cumulative Supplement, 2004; to establish driver's safety training program requirements; and to repeal the original section.

LEGISLATIVE BILL 1224. Introduced by Judiciary Committee: Bourne, 8, Chairperson; Aguilar, 35; Chambers, 11; Combs, 32; Flood, 19; Foley, 29; Friend, 10; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the State Disbursement and Child Support Advisory Commission; to amend section 43-3342.05, Reissue

Revised Statutes of Nebraska; to rename the commission; to change the membership as prescribed; to eliminate membership terms; to eliminate duties; to provide a duty to the Supreme Court; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1225. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to water; to amend sections 46-706 and 46-715, Reissue Revised Statutes of Nebraska; to change provisions relating to hydrologically connected water; and to repeal the original sections.

LEGISLATIVE BILL 1226. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to water; to amend sections 46-2,112, 46-2,115, 46-712, 46-713, 46-714, and 46-715, Reissue Revised Statutes of Nebraska; to change provisions relating to instream appropriations, ground water, and management areas; and to repeal the original sections.

LEGISLATIVE BILL 1227. Introduced by Cornett, 45; Combs, 32; Fischer, 43; Flood, 19.

A BILL FOR AN ACT relating to handguns; to amend sections 69-2402, 69-2404, 69-2405, 69-2406, 69-2410, 69-2411, 69-2418, and 69-2419, Reissue Revised Statutes of Nebraska; to change provisions relating to issuance of handgun certificates and criminal history record checks; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1228. Introduced by Wehrbein, 2; Baker, 44; Brown, 6; Connealy, 16; Fischer, 43; Heidemann, 1; Kremer, 34; Langemeier, 23; Louden, 49; Raikes, 25; Schrock, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Board of Regents of the University of Nebraska.

LEGISLATIVE BILL 1229. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Roads.

LEGISLATIVE BILL 1230. Introduced by Landis, 46.

A BILL FOR AN ACT relating to consumer protection; to amend section 45-803, Reissue Revised Statutes of Nebraska; to adopt the Uniform Debt Management Services Act; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original section; and to outright repeal sections 69-1201, 69-1202, 69-1203, 69-1204, 69-1205, 69-1206, 69-1207, 69-1208, 69-1209, 69-1210, 69-1211, 69-1212, 69-1213, 69-1214, 69-1215, 69-1216, and 69-1217, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1231. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to health and human services; to create the Office of Minority Health; to provide powers and duties; to provide for satellite offices of minority health; to eliminate provisions relating to satellite offices; and to outright repeal section 71-1628.07, Revised Statutes Supplement, 2005.

LEGISLATIVE BILL 1232. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to health and human services; to provide for a study of behavioral health insurance parity legislation.

LEGISLATIVE BILL 1233. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to health care; to state findings relating to traumatic brain injury services and supports; to require a plan; and to provide a termination date.

LEGISLATIVE BILL 1234. Introduced by Landis, 46; Connealy, 16.

A BILL FOR AN ACT relating to community development; to amend sections 18-2103, 18-2109, 18-2110, 18-2112, and 18-2120, Reissue Revised Statutes of Nebraska, and sections 18-2113 and 18-2147, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to redevelopment project areas; to redefine terms; to provide for sale of public buildings; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 1235. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to provide an appropriation to establish a memorial to Nebraska poets and writers in honor of Ted Kooser.

GENERAL FILE

LEGISLATIVE BILL 57. Senator Chambers renewed his pending amendment, FA203, found on page 1315, First Session, 2005.

SPEAKER BRASHEAR PRESIDING

Senator Foley offered the following motion:
Invoke cloture on LB 57, pursuant to Rule 7, Section 10.

Senator Foley moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Foley requested a roll call vote on his motion to invoke cloture.

Voting in the affirmative, 36:

Aguilar	Cudaback	Heidemann	McDonald	Stuhr
Baker	Cunningham	Hudkins	Mines	Stuthman
Bourne	Engel	Jensen	Pahls	Synowiecki
Burling	Erdman	Kopplin	Pedersen, Dw.	Wehrbein
Byars	Fischer	Kremer	Preister	
Combs	Flood	Kruse	Redfield	
Connealy	Foley	Langemeier	Schrock	
Cornett	Friend	Louden	Smith	

Voting in the negative, 4:

Chambers	Landis	Raikes	Schimek

Present and not voting, 8:

Beutler	Brown	Johnson	Price
Brashear	Janssen	Pederson, D.	Thompson

Excused and not voting, 1:

Howard

The Foley motion to invoke cloture prevailed with 36 ayes, 4 nays, 8 present and not voting, and 1 excused and not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 2:

Chambers	Kruse

Voting in the negative, 31:

Aguilar	Erdman	Jensen	Pahls	Stuthman
Baker	Fischer	Kopplin	Pedersen, Dw.	Synowiecki
Brashear	Flood	Kremer	Preister	Wehrbein
Byars	Foley	Landis	Redfield	
Cornett	Friend	Langemeier	Schrock	
Cunningham	Heidemann	Louden	Smith	
Engel	Hudkins	Mines	Stuhr	

Present and not voting, 15:

Beutler	Burling	Cudaback	McDonald	Raikes
Bourne	Combs	Janssen	Pederson, D.	Schimek
Brown	Connealy	Johnson	Price	Thompson

Excused and not voting, 1:

Howard

The Chambers amendment lost with 2 ayes, 31 nays, 15 present and not voting, and 1 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 39:

Aguilar	Connealy	Friend	Langemeier	Schrock
Baker	Cornett	Heidemann	Louden	Smith
Beutler	Cunningham	Howard	McDonald	Stuhr
Bourne	Engel	Hudkins	Mines	Stuthman
Brashear	Erdman	Jensen	Pahls	Synowiecki
Burling	Fischer	Kopplin	Pedersen, Dw.	Thompson
Byars	Flood	Kremer	Preister	Wehrbein
Combs	Foley	Kruse	Redfield	

Voting in the negative, 1:

Chambers

Present and not voting, 9:

Brown	Janssen	Landis	Price	Schimek
Cudaback	Johnson	Pederson, D.	Raikes	

Advanced to E & R for review with 39 ayes, 1 nay, and 9 present and not voting.

The Chair declared the call raised.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1236. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend section 49-1434, Reissue Revised Statutes of Nebraska; to redefine terms; and to repeal the original section.

LEGISLATIVE BILL 1237. Introduced by Cunningham, 40; Baker, 44; Burling, 33; Combs, 32; Engel, 17; Erdman, 47; Kremer, 34; Preister, 5; Raikes, 25; Redfield, 12.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend sections 48-120, 48-120.02, 48-146.02, 48-162.01, 48-162.02, and 48-1,110, Revised Statutes Supplement, 2005; to state findings; to create an advisory council and a fund; to change provisions relating to construction of the act, medical services, managed care plans, and rehabilitation services; to change and eliminate provisions relating to the Workplace Safety Consultation Program; to provide powers and duties for the Commissioner of Labor; to create an account; to provide for grants; to harmonize provisions; to repeal the original sections; and to outright repeal section 48-446, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1238. Introduced by Cunningham, 40; Baker, 44; Burling, 33; Combs, 32; Engel, 17; Erdman, 47; Kremer, 34; Raikes, 25; Redfield, 12.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-120, Revised Statutes Supplement, 2005; to change medical fee schedule provisions; and to repeal the original section.

LEGISLATIVE BILL 1239. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.02, Reissue Revised Statutes of Nebraska, and section 77-2716.01, Revised Statutes Cumulative Supplement, 2004; to change income tax calculations; to change income tax rates and schedules; to provide an operative date; to repeal the original sections; and to outright repeal section 77-2716.03, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1240. Introduced by Mines, 18.

A BILL FOR AN ACT relating to insurance; to define insurance to exclude waivers of customer liability.

LEGISLATIVE BILL 1241. Introduced by Urban Affairs Committee: Friend, 10, Chairperson; Combs, 32; Connealy, 16; Cornett, 45; Janssen, 15; Landis, 46; Schimek, 27.

A BILL FOR AN ACT relating to annexation; to amend section 17-405.01, Reissue Revised Statutes of Nebraska; to eliminate an exception relating to redevelopment project areas; and to repeal the original section.

LEGISLATIVE BILL 1242. Introduced by Foley, 29.

A BILL FOR AN ACT relating to health care; to provide for certain medical testing and for diagnosis and treatment of certain conditions as prescribed; and to provide duties for the Department of Health and Human Services.

LEGISLATIVE BILL 1243. Introduced by Kremer, 34; Baker, 44; Burling, 33; Fischer, 43; Kopplin, 3; McDonald, 41; Schrock, 38; Stuhr, 24;

Stuthman, 22.

A BILL FOR AN ACT relating to school organization and reorganization; to amend section 79-234, Reissue Revised Statutes of Nebraska, and section 79-473, Revised Statutes Supplement, 2005; to change provisions related to eligibility for the enrollment option program; to provide for arbitration for disputes involving certain school districts over annexed, platted, or replatted territory; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1244. Introduced by Howard, 9.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-647, Reissue Revised Statutes of Nebraska; to provide duties for the Department of Health and Human Services Regulation and Licensure relating to prevention of alcohol-related birth defects; and to repeal the original section.

LEGISLATIVE BILL 1245. Introduced by Howard, 9.

A BILL FOR AN ACT relating to interior design; to provide for registration and regulation of interior designers; to define terms; to create the Interior Design Advisory Board; to provide powers and duties for the Secretary of State; and to provide a penalty.

LEGISLATIVE BILL 1246. Introduced by Engel, 17.

A BILL FOR AN ACT relating to elections; to amend section 32-1524, Reissue Revised Statutes of Nebraska; to change provisions relating to prohibited acts at or near designated polling sites; and to repeal the original section.

LEGISLATIVE BILL 1247. Introduced by Schimek, 27; Stuhr, 24.

A BILL FOR AN ACT relating to accreditation, curriculum, and instruction; to amend section 79-724, Reissue Revised Statutes of Nebraska; to provide authority to the State Board of Education to develop courses of instruction; to provide for civics education; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1248. Introduced by Jensen, 20; Erdman, 47.

A BILL FOR AN ACT relating to health and human services; to amend sections 28-705, 28-706, 43-512.12, 43-2508, 44-3,144, 44-526, 44-32,180, 44-4221, 44-4222, 44-4228, 44-4726, 44-5305, 68-104, 68-150, 68-716, 68-1018, 68-1019, 68-1019.01, 68-1022, 68-1023, 68-1026, 68-1027, 68-1028, 68-1036.03, 68-1038, 68-1039, 68-1040, 68-1042, 68-1043, 68-1070, 68-1509, 71-6017.01, 71-7610, 71-8405, 71-8506, 77-908, 77-912, 77-27,163.01, 79-215, and 81-6,113, Reissue Revised Statutes of Nebraska, sections 25-21,188.02, 30-2487, 68-1036.02, 68-1073, 68-1074, 68-1075,

68-1076, 68-1077, 68-1078, 68-1079, 68-1080, 68-1081, 68-1082, 68-1083, 68-1084, 68-1085, 68-1086, 68-1802, 68-1803, 71-804, 71-806, 71-820, and 71-7607, Revised Statutes Cumulative Supplement, 2004, and sections 44-8002, 68-1020, 68-1021, 68-10,100, 68-10,101, 68-10,102, 68-10,103, 68-10,104, 68-10,105, 68-10,106, 68-10,107, 71-2426, and 77-2704.09, Revised Statutes Supplement, 2005; to adopt the Medical Assistance Act; to change and eliminate provisions relating to the medical assistance program; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 68-1019.02, 68-1019.03, 68-1019.04, 68-1019.05, 68-1019.06, 68-1019.09, 68-1024, 68-1025, 68-1025.01, 68-1029, 68-1030, 68-1031, 68-1033, 68-1034, 68-1035, 68-1035.01, 68-1036, 68-1049, 68-1050, 68-1051, 68-1056, 68-1057, 68-1058, 68-1059, 68-1060, 68-1061, 68-1062, 68-1063, 68-1067, 68-1068, 68-1069, 68-1071, 68-1072, and 83-1214, Reissue Revised Statutes of Nebraska, and sections 68-1021.01, 68-1037, 68-1048, 68-1087, 68-1088, 68-1089, 68-1090, 68-1091, 68-1092, 68-1093, 68-1094, 68-1095, 68-1096, 68-1097, 68-1098, and 68-1099, Revised Statutes Supplement, 2005; and to declare an emergency.

LEGISLATIVE BILL 1249. Introduced by Landis, 46.

A BILL FOR AN ACT relating to natural gas; to amend sections 57-1301, 57-1302, 57-1303, 57-1304, 57-1305, 57-1306, 57-1307, 66-1801, 66-1804, 66-1852, and 75-109.01, Reissue Revised Statutes of Nebraska, and section 13-2802, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to the State Natural Gas Regulation Act; to provide and change powers and duties; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1250. Introduced by Landis, 46.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-113, Revised Statutes Supplement, 2005; to authorize the use of the word bank by a federally chartered or state-chartered credit union; and to repeal the original section.

SELECT FILE

LEGISLATIVE BILL 548. Senator Schrock withdrew the Schrock et al. pending amendment, AM1696, found on page 1718 and considered on page 1859, First Session, 2005.

Senator Beutler withdrew his pending amendment, FA310, found on page 1840 and considered on page 1859, First Session, 2005.

Senator Schrock renewed the Schrock-Beutler pending amendment, AM1864, found on page 295.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1251. Introduced by Synowiecki, 7; Bourne, 8; Brown, 6; Connealy, 16; Cornett, 45; Friend, 10; Howard, 9; Janssen, 15; Jensen, 20; Kopplin, 3; Kruse, 13; Mines, 18; Pahls, 31; Dw. Pedersen, 39; Preister, 5; Redfield, 12; Thompson, 14; Wehrbein, 2.

A BILL FOR AN ACT relating to community colleges; to amend sections 85-1535 and 85-1536, Reissue Revised Statutes of Nebraska, and sections 13-518, 13-519, 77-3442, 85-1503, and 85-1517, Revised Statutes Supplement, 2005; to change and eliminate property tax levy and state aid provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal section 85-1536.01, Revised Statutes Supplement, 2005; and to declare an emergency.

LEGISLATIVE BILL 1252. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to real property; to amend sections 76-701 and 76-704.01, Reissue Revised Statutes of Nebraska; to define a term; to provide requirements for the use of eminent domain; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 1253. Introduced by Synowiecki, 7; Howard, 9.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-801, Reissue Revised Statutes of Nebraska; to change provisions relating to prostitution; to change penalty provisions; and to repeal the original section.

LEGISLATIVE BILL 1254. Introduced by Synowiecki, 7; Combs, 32; Price, 26.

A BILL FOR AN ACT relating to nurse practitioners; to amend section 71-1721, Revised Statutes Supplement, 2005; to change provisions relating to scope of practice; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1255. Introduced by Louden, 49; Flood, 19.

A BILL FOR AN ACT relating to community colleges; to amend section 85-1537, Reissue Revised Statutes of Nebraska, and sections 77-3442 and 85-1536.01, Revised Statutes Supplement, 2005; to change property tax levy provisions; to increase state aid; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1256. Introduced by Brashear, 4; Baker, 44;

Dw. Pedersen, 39; Raikes, 25.

A BILL FOR AN ACT relating to early childhood education; to amend sections 79-1101 and 79-1104, Reissue Revised Statutes of Nebraska, and section 79-1103, Revised Statutes Supplement, 2005; to create the Nebraska Early Childhood Endowment; to define and redefine terms; to state duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1257. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to courts and court administration; to amend sections 24-1205, 47-619, 47-620, 83-192, 83-1,114, and 83-1,115, Reissue Revised Statutes of Nebraska, sections 28-105, 29-2204, 83-1,105.01, 83-1,107, 83-1,107.01, and 83-1,107.02, Revised Statutes Cumulative Supplement, 2004, and sections 47-623, 47-624, 47-625, and 83-1,102, Revised Statutes Supplement, 2005; to create the Nebraska Prisoner Reentry Court; to harmonize provisions; to define terms; and to repeal the original sections.

LEGISLATIVE BILL 1258. Introduced by Brashear, 4; Aguilar, 35; Bourne, 8; Connealy, 16; Cornett, 45; Cunningham, 40; Fischer, 43; Flood, 19; Howard, 9; Janssen, 15; Johnson, 37; Langemeier, 23; Dw. Pedersen, 39; Price, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for community correctional and probation services.

LEGISLATIVE BILL 1259. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1122.01, Revised Statutes Cumulative Supplement, 2004; to repeal the rejection of federal limits on registration under the act as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1260. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the Nebraska Hospital-Medical Liability Act; to amend section 44-2825, Reissue Revised Statutes of Nebraska; to change provisions relating to liability; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1261. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to corporations and other companies; to amend sections 21-2601, 21-2603, 21-2606, 21-2610, 21-2613, 21-2631.01, 21-2632, and 21-2634, Reissue Revised Statutes of Nebraska, and sections 21-301, 21-304, 21-330, 21-2607, 21-2631, and 21-2639, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to occupation tax biennial reports and claims for excess tax payments; to change

provisions relating to the Limited Liability Company Act; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1262. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to schools; to amend sections 79-238, 79-468, 79-476, 79-490, 79-497, 79-535, 79-549, 79-1087, 79-1204, and 79-1206, Reissue Revised Statutes of Nebraska, section 79-1009, Revised Statutes Cumulative Supplement, 2004, and sections 79-407, 79-408, 79-409, 79-415, 79-479, 79-589, and 79-1007.01, Revised Statutes Supplement, 2005; to provide for interdistrict academy of excellence plans; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1263. Introduced by Foley, 29.

A BILL FOR AN ACT relating to support orders; to amend sections 42-364 and 42-368, Reissue Revised Statutes of Nebraska; to change provisions relating to modification; to harmonize provisions; and to repeal the original sections.

RESOLUTION

LEGISLATIVE RESOLUTION 275CA. Introduced by Landis, 46; Connealy, 16; Janssen, 15; Schimek, 27.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 12:

VIII-12 For the purpose of rehabilitating, acquiring, or redeveloping substandard and blighted property in a redevelopment project as determined by law, any city or village of the state may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise. Notwithstanding any other provision in the Constitution or a local charter, such cities or villages may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, which taxes shall be at such rate for a period not to exceed fifteen years, on the assessed valuation of the property in the project area portion of a designated blighted and substandard area that is in excess of the assessed valuation of such property for the year prior to such rehabilitation, acquisition, or redevelopment. Notwithstanding any other provision in this Constitution, the Legislature may provide that the limitation to a period of fifteen years shall not apply to the property in a project area portion of a designated blighted and substandard area, inside or outside the corporate limits of a city or village, if more than one-half of the property within the project area has been

previously owned by state government and if the rehabilitation, acquisition, or redevelopment of such property and building or buildings cannot be reasonably financed within fifteen years.

When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to permit the Legislature to extend the tax levy for redevelopment projects in substandard and blighted areas.

For

Against.

Referred to the Reference Committee.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 860. Placed on General File.

LEGISLATIVE BILL 795. Placed on General File as amended.
Standing Committee amendment to LB 795:
AM1877

1. Insert the following section:
Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.

(Signed) Ron Raikes, Chairperson

AMENDMENTS - Print in Journal

Senator Preister filed the following amendment to LB 901:
AM1898

1. On page 3, line 5, after "in" insert "a newspaper of general circulation in".
2. On page 4, line 19, after the first "in" insert "a newspaper of general circulation in".

Senator Byars filed the following amendment to LB 87:
AM1812

1. Strike the original sections and insert the following new sections:
Section 1. Section 20-150, Revised Statutes Cumulative Supplement, 2004, is amended to read:
20-150. (1) The Legislature hereby finds and declares that it is the policy of the State of Nebraska to secure the rights of deaf and hard of hearing persons who cannot readily understand

or communicate in spoken language and who consequently cannot equally participate in or benefit from proceedings, programs, and activities of state agencies and law enforcement personnel unless interpreters are available to assist them. State agencies and law enforcement personnel shall appoint licensed interpreters as provided in sections 20-150 to 20-159, except that courts and probation officials shall appoint interpreters as provided in sections 20-150 to 20-159 and 25-2401 to 25-2407 and public school districts and educational units shall appoint qualified educational interpreters.

(2) It is the intent of the Legislature that by ~~September 1, 2002~~ June 30, 2007, the Commission for the Deaf and Hard of Hearing shall license and evaluate licensed interpreters. Prior to ~~September 1, 2002~~ June 30, 2007 , the commission shall (a) develop licensed interpreter guidelines for distribution, (b) develop training to implement the guidelines, (c) adopt and promulgate rules and regulations to implement the guidelines and requirements for licensed interpreters, and (d) develop a roster of interpreters as required in section 71-4728.

(3) It is the intent of the Legislature to assure that qualified educational interpreters are provided to deaf and hard of hearing children in kindergarten-through-grade-twelve public school districts and educational service units. Prior to September 1, 1998, the State Department of Education, in cooperation with the Commission for the Deaf and Hard of Hearing, shall develop qualified educational interpreter guidelines for distribution as well as a training program to implement the guidelines. By September 1, 2000, the State Department of Education shall adopt and promulgate rules and regulations to implement the guidelines and requirements for qualified educational interpreters, and such rules and regulations shall apply to all qualified educational interpreters employed for the 2001-02 school year and all school years thereafter.

Sec. 2. Section 20-151, Revised Statutes Cumulative Supplement, 2004, is amended to read:

20-151. ~~As used in~~ For purposes of sections 20-150 to 20-159, unless the context otherwise requires:

(1) Appointing authority means the state agency or law enforcement personnel required to provide a licensed interpreter pursuant to sections 20-150 to 20-159;

(2) Auxiliary aid includes, but is not limited to, sign language interpreters, oral interpreters, tactile interpreters, other interpreters, notetakers, transcription services, written materials, assistive listening devices, assisted listening systems, videotext displays, and other visual delivery systems;

(3) Deaf or hard of hearing person means a person whose hearing impairment, with or without amplification, is so severe that he or she may have difficulty in auditorily processing spoken language without the use of an interpreter or a person with a

fluctuating or permanent hearing loss which may adversely affect the ability to understand spoken language without the use of an interpreter or other auxiliary aid;

(4) Intermediary interpreter means any person, including any deaf or hard of hearing person, who is able to assist in providing an accurate interpretation between spoken English and sign language or between variants of sign language in order to facilitate communication between a deaf or hard of hearing person and an interpreter;

(5) Licensed interpreter means a person who demonstrates proficiencies in interpretation or transliteration as required by the ~~guidelines established~~ rules and regulations adopted and promulgated by the Commission for the Deaf and Hard of Hearing pursuant to subsection (2) of section 20-150 and who holds a license issued by the commission pursuant to section 20-156;

(6) Oral interpreter means a person who interprets language through facial expression, body language, and mouthing;

(7) State agency means any state entity which receives appropriations from the Legislature and includes the Legislature, legislative committees, executive agencies, courts, and probation officials but does not include political subdivisions; and

(8) Tactile interpreter means a person who interprets for a deaf-blind person. The degree of deafness and blindness will determine the mode of communication to be used for each person.

Sec. 3. Section 20-156, Revised Statutes Cumulative Supplement, 2004, is amended to read:

20-156. (1) The Commission for the Deaf and Hard of Hearing shall license and evaluate licensed interpreters. The commission shall create the Interpreter Review Board pursuant to section 71-4728.05 to set policies, standards, and procedures for evaluation and licensing of interpreters. The commission may recognize evaluation and certification programs as a means to carry out the duty of evaluating interpreters' skills. The commission may define and establish different levels or types of licensure to reflect different levels of proficiency and different specialty areas.

(2) The commission shall establish and charge reasonable fees for licensure of interpreters, including applications, renewals, modifications, ~~and~~ record keeping, approval, conduct, and sponsorship of continuing education, and assessment of continuing competency pursuant to sections 20-150 to 20-159. All fees collected pursuant to this section by the commission shall be remitted to the State Treasurer for credit to the Commission for the Deaf and Hard of Hearing Fund. Such fees shall be disbursed for payment of expenses related to this section.

(3) The commission shall prepare and maintain a roster of licensed interpreters as provided by section 71-4728. Nothing in sections 20-150 to 20-159 shall be construed to prevent any appointing authority from contracting with a licensed interpreter

on a full-time employment basis.

(4) ~~The commission may revoke an interpreter's license if the interpreter has violated rules and regulations of the commission~~ The commission may deny, refuse to renew, limit, revoke, suspend, or take other disciplinary actions taken against a license when the applicant or licensee is found to have violated any provision of sections 20-150 to 20-159, sections 71-4728 to 71-4732, or any rule or regulation of the commission adopted and promulgated pursuant to such sections, including rules and regulations governing unprofessional conduct. The Interpreter Review Board shall ~~serve as a board of inquiry in matters of license revocation. The commission through the Interpreter Review Board shall~~ investigate claims of the use of interpreters by any appointing authority, or the provision of interpreting services by any interpreter, alleged to be in violation of sections 20-150 to 20-159 ~~by any appointing authority~~ or rules and regulations of the commission. The commission shall notify in writing an appointing authority determined to be employing interpreters in violation of sections 20-150 to 20-159 or rules and regulations of the commission and shall monitor such appointing authority to prevent future violations.

(5) Any decision of the commission pursuant to this section shall be subject to review according to the Administrative Procedure Act.

(6) After June 30, 2007, any person providing interpreting services pursuant to sections 20-150 to 20-159 without a license issued pursuant to section 20-156 may be restrained by temporary and permanent injunctions.

Sec. 4. Section 20-158, Reissue Revised Statutes of Nebraska, is amended to read:

20-158. Whenever a deaf or hard of hearing person communicates through an interpreter under circumstances in which the communication would otherwise be privileged, the privilege shall apply to the interpreter as well.

Sec. 5. Section 71-4728, Reissue Revised Statutes of Nebraska, is amended to read:

71-4728. The commission shall serve as the principal state agency responsible for monitoring public policies and implementing programs which shall improve the quality and coordination of existing services for deaf or hard of hearing persons and promote the development of new services when necessary. To perform this function the commission shall:

(1) Inventory services available for meeting the problems of persons with a hearing loss and assist such persons in locating and securing such services;

(2) License interpreters under sections 20-150 to 20-159 and prepare and maintain a roster of licensed interpreters. The roster shall include the type of employment the interpreter generally engages in, the type of license the interpreter holds,

and the expiration date of the license . Each interpreter included on the roster shall provide the commission with his or her social security number which shall be kept confidential by the commission. The roster shall be made available to local, state, and federal agencies and shall be used for referrals to private organizations and individuals seeking interpreters;

(3) Promote the training of interpreters for deaf or hard of hearing persons;

(4) Provide counseling to deaf or hard of hearing persons or refer such persons to private or governmental agencies which provide counseling services;

(5) Conduct a voluntary census of deaf or hard of hearing persons in Nebraska and compile a current registry;

(6) Promote expanded adult educational opportunities for deaf or hard of hearing persons;

(7) Serve as an agency for the collection of information concerning deaf or hard of hearing persons and for the dispensing of such information to interested persons by collecting studies, compiling bibliographies, gathering information, and conducting research with respect to the education, training, counseling, placement, and social and economic adjustment of deaf or hard of hearing persons and with respect to the causes, diagnosis, treatment, and methods of prevention of impaired hearing;

(8) Appoint advisory or special committees when appropriate for indepth investigations and study of particular problems and receive reports of findings and recommendations;

(9) Assess and monitor programs for services to deaf or hard of hearing persons and make recommendations to those state agencies providing such services regarding changes necessary to improve the quality and coordination of the services;

(10) Make recommendations to the Governor and the Legislature with respect to modification in existing services or establishment of additional services for deaf or hard of hearing persons;

(11) Promote awareness and understanding of the rights of deaf or hard of hearing persons;

(12) Promote statewide communication services for deaf or hard of hearing persons;

(13) Assist deaf or hard of hearing persons in accessing comprehensive mental health, alcoholism, and drug abuse services;

(14) Provide licensed interpreters in public and private settings for the benefit of deaf or hard of hearing persons, if private-practice licensed interpreters are not available, and establish and collect reasonable fees for such interpreter services; ~~and~~

(15) Make recommendations to the State Department of Education, public school districts, and educational service units regarding policies and procedures for qualified educational interpreter guidelines and a training program as required in

subsection (3) of section 20-150, including, but not limited to, testing, training, and grievances; and

(16) Approve, conduct, and sponsor continuing education programs and other activities to assess continuing competence of licensees. The commission shall establish and charge reasonable fees for such activities. All fees collected pursuant to this section by the commission shall be remitted to the State Treasurer for credit to the Commission for the Deaf and Hard of Hearing Fund. Such fees shall be disbursed for payment of expenses related to this section.

Sec. 6. Section 71-4728.05, Reissue Revised Statutes of Nebraska, is amended to read:

71-4728.05. (1) The commission shall appoint the Interpreter Review Board as required in section 20-156. ~~The~~

(2) Until the effective date of this act, the board shall consist of the following members, of whom the majority shall ~~who~~ have knowledge of sign language:

~~(1)~~ (a) The Director of Health and Human Services or his or her designee;

~~(2)~~ (b) The executive director of the commission or his or her designee;

~~(3)~~ (c) Two deaf or hard of hearing persons;

~~(4) For the initial appointments, two qualified interpreters who must become licensed interpreters within one year of their appointment or they will be disqualified. For subsequent appointments, two~~ (d) Two licensed interpreters; and

~~(5)~~ (e) Two members representing local government.

(3) Members of the Interpreter Review Board serving on the effective date of this act shall have their terms extended to June 30, 2007. After that date, membership on the board shall be as follows:

(a) The Director of Health and Human Services or his or her designee and the executive director of the commission or his or her designee, both of whom shall serve continuously and without limitation;

(b) One qualified interpreter, appointed for a term to expire on June 30, 2008;

(c) One representative of local government, appointed for a term to expire on June 30, 2008;

(d) One deaf or hard of hearing person, appointed for a term to expire on June 30, 2009;

(e) One qualified interpreter, appointed for a term to expire on June 30, 2009;

(f) One deaf or hard of hearing person, appointed for a term to expire on June 30, 2010; and

(g) One representative of local government, appointed for a term to expire on June 30, 2010;

(4) Upon the expiration of the terms described in subsection (3) of this section, members other than those identified

in subdivision (3)(a) of this section shall be appointed for terms of three years. No such member may serve consecutive three-year terms, or more than five consecutive years, beginning June 30, 2007, except that members whose terms have expired shall continue to serve until their successors have been appointed and qualified.

(5) The commission may remove a member of the board for inefficiency, neglect of duty, or misconduct in office after delivering to such member a copy of the charges and affording such member an opportunity to be publicly heard in person, or by counsel, in his or her own defense, upon not less than ten days' notice. If a vacancy occurs on the board, the commission shall appoint another member with the same qualifications as the vacating member to serve the remainder of the term. The members of the board shall receive no compensation but shall be reimbursed for their actual and necessary expenses, as provided in sections 81-1174 to 81-1177 in attending meetings of the commission and in carrying out their official duties as provided in this section and section 20-156.

(6) The board shall establish policies , standards, and procedures for evaluating and licensing interpreters, including, but not limited to, testing, training, ~~grievances, and license revocation~~ issuance, renewal, and denial of licenses, continuing education and continuing competency assessment, investigation of complaints, and disciplinary actions against a license pursuant to section 20-156. ~~Except for members listed in subdivisions (1) and (2) of this section, a member shall not serve on the board for more than three consecutive years. Members of the board may be removed by the commission for inefficiency, neglect of duty, or misconduct in office but only after delivering to such member a copy of the charges and affording such member an opportunity to be publicly heard in person, or by counsel, in his or her own defense, upon not less than ten days' notice. If a vacancy occurs on the board, the commission shall appoint another member with the same qualifications as the vacating member to serve the remainder of the term. The members of the board shall receive no compensation but shall be reimbursed for their actual and necessary expenses in attending meetings of the commission and in carrying out their official duties as provided in this section and section 20-156.~~

Sec. 7. Original sections 20-158, 71-4728, and 71-4728.05, Reissue Revised Statutes of Nebraska, and sections 20-150, 20-151, and 20-156, Revised Statutes Cumulative Supplement, 2004, are repealed.

Senator Baker filed the following amendment to LB 248:
AM1820

1. Insert the following new sections:

Section 1. Section 60-3,186, Revised Statutes Supplement, 2005, is amended to read:

60-3,186. (1) The county treasurer or designated county

official shall annually determine the motor vehicle tax on each motor vehicle registered in the county based on the age of the motor vehicle pursuant to section 60-3,187 and cause a notice of the amount of the tax to be mailed to the registrant at the address shown upon his or her registration certificate. The notice shall be printed on a prenumbered statement form prescribed by the department and shall be mailed on or before the first day of the last month of the registration period.

(2)(a) The motor vehicle tax, motor vehicle fee, registration fee, sales tax, and any other applicable taxes and fees shall be paid to the county treasurer or designated county official prior to the registration of the motor vehicle for the following registration period. If the motor vehicle being registered has been transferred as a gift or for a nominal amount, any sales tax owed by the transferor on the purchase of the motor vehicle shall have been paid or be paid to the county treasurer or designated county official prior to the registration of the motor vehicle for the following registration period.

(b) After retaining one percent of the motor vehicle tax proceeds collected for costs, the remaining motor vehicle tax proceeds shall be allocated to each county, local school system, school district, city, and village in the tax district in which the motor vehicle has situs.

(c)(i) Twenty-two percent of the remaining motor vehicle tax proceeds shall be allocated to the county, (ii) sixty percent shall be allocated to the local school system or school district, and (iii) eighteen percent shall be allocated to the city or village, except that (A) if the tax district is not in a city or village, forty percent shall be allocated to the county, and (B) in counties containing a city of the metropolitan class, eighteen percent shall be allocated to the county and twenty-two percent shall be allocated to the city or village.

(d) The amount allocated to a local school system shall be distributed to school districts in the same manner as property taxes.

(3) Proceeds from the motor vehicle tax shall be treated as property tax revenue for purposes of expenditure limitations, matching of state or federal funds, and other purposes.

Sec. 5. Original section 60-3,186, Revised Statutes Supplement, 2005, is repealed.

2. Correct the operative date section so that the sections added by this amendment become operative on their effective date.

Senator Landis filed the following amendment to LB 75:
AM1902

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. At the general election in November 2006 the

following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article XI, section 1:

XI-1 No city, county, town, precinct, municipality, or other ~~sub-division~~ subdivision of the state ~~,~~ shall ever become a subscriber to the capital stock, or owner of such stock, or any portion or interest therein of any railroad, or private corporation, or association , except that, notwithstanding any other provision of this Constitution, the Legislature may authorize the investment of the public funds of cities, villages, school districts, public power districts, and other governmental or political subdivisions in the manner of a prudent investor who shall act with care, skill, and diligence under the prevailing circumstance and in such investments as the governing body of such city, village, school district, public power district, and other governmental or political subdivision may, acting in a fiduciary capacity for the exclusive purpose of protecting and benefiting such investment, determine but subject to such limitations as the Legislature may by statute provide .

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to authorize the investment of the public funds of cities, villages, school districts, public power districts, and other governmental or political subdivisions in such manner and in such investments as the governing body of such governmental or political subdivision may determine subject to limitations by the Legislature.

For

Against.

Senator Landis filed the following amendment to LR 18CA:
AM1895

1. Strike sections 1 and 2 and all amendments thereto and insert the following new sections:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article XI, section 1:

XI-1 No city, county, town, precinct, municipality, or other ~~sub-division~~ subdivision of the state ~~,~~ shall ever become a subscriber to the capital stock, or owner of such stock, or any portion or interest therein of any railroad, or private corporation, or association , except that, notwithstanding any other provision of this Constitution, the Legislature may authorize the investment of the public funds of cities, villages, school districts, public power districts, and other governmental or

political subdivisions in the manner of a prudent investor who shall act with care, skill, and diligence under the prevailing circumstance and in such investments as the governing body of such city, village, school district, public power district, and other governmental or political subdivision may, acting in a fiduciary capacity for the exclusive purpose of protecting and benefiting such investment, determine but subject to such limitations as the Legislature may by statute provide .

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to authorize the investment of the public funds of cities, villages, school districts, public power districts, and other governmental or political subdivisions in such manner and in such investments as the governing body of such governmental or political subdivision may determine subject to limitations by the Legislature.

For

Against.

2. On page 1, line 2, strike "FIRST" and insert "SECOND".

Senator D. Pederson filed the following amendment to LB 605:
AM1845

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. (1) The Legislature finds and determines that protecting investments in buildings through the completion of deferred maintenance, repair, renovation, and facility replacement construction projects is of critical importance to the State of Nebraska. The Legislature further recognizes that arresting the continued deterioration of buildings, limiting the effects of inflation on the costs of such deferred maintenance, repair, renovation, and facility replacement construction, and bringing such buildings into compliance with current health and safety requirements at the earliest possible time is necessary for protecting such investment in the buildings of the State of Nebraska. In order to accomplish these goals, it is necessary, desirable, and advisable that the Legislature provide for the receipt of funds for such purposes as soon as practicable with the repayment of such funds to be made over a period of years. The Legislature recognizes the commitment of (a) the Board of Regents of the University of Nebraska to provide matching funds up to eleven million dollars per year for the period beginning with the fiscal year commencing July 1, 2009, and continuing through the fiscal year ending June 30, 2021, for a total of up to one hundred twenty-one million dollars to supplement amounts appropriated from the General Fund pursuant to section 3 of this act and (b) the Board of Trustees of the Nebraska State Colleges to provide

matching funds up to one million two hundred thousand dollars per year for the period beginning with the fiscal year commencing July 1, 2006, and continuing through the fiscal year ending June 30, 2020, for a total of up to fourteen million four hundred thousand dollars to supplement amounts appropriated from the General Fund pursuant to section 6 of this act.

(2) Sections 1 to 7 of this act do not modify, reduce, or eliminate any provision of subsection (10) of section 85-1414 requiring the approval of the Coordinating Commission for Postsecondary Education for any deferred maintenance, repair, renovation, facility addition, or facility replacement construction project authorized by section 3 or 6 of this act and undertaken by the Board of Regents of the University of Nebraska or the Board of Trustees of the Nebraska State Colleges.

Sec. 2. The University of Nebraska Facilities Program of 2006 is created. All funds appropriated to the program by the Legislature shall be used exclusively for deferred maintenance, repair, renovation, facility renovation, and facility replacement construction projects authorized pursuant to section 3 of this act.

Sec. 3. (1) The Legislature shall appropriate from the General Fund (a) an amount not less than five million five hundred thousand dollars for each fiscal year for the period beginning with the fiscal year commencing July 1, 2006, and continuing through the fiscal year ending June 30, 2009, and (b) an amount not less than eleven million dollars for each fiscal year for the period beginning with the fiscal year commencing July 1, 2009, and continuing through the fiscal year ending June 30, 2020, to the University of Nebraska Facilities Program of 2006 to be used by the Board of Regents of the University of Nebraska to accomplish projects as provided in this section. Through the allotment process established in section 81-1113, the Department of Administrative Services shall make appropriated funds available. Undisbursed appropriations balances existing in the University of Nebraska Facilities Program of 2006 at the end of each fiscal year until June 30, 2021, shall be and are hereby reappropriated.

(2) The Legislature finds and determines that the projects funded through the University of Nebraska Facilities Program of 2006 are of critical importance to the State of Nebraska. It is the intent of the Legislature that the appropriations to the program shall not be reduced until all contracts and securities relating to the construction and financing of the projects or portions of the projects funded from such funds or accounts of such funds are completed or paid but in no case shall such appropriations extend beyond the fiscal year ending June 30, 2020, nor shall the cumulative total of the General Fund appropriations for the program exceed one hundred thirty-seven million five hundred thousand dollars.

(3) Subject to the receipt of project approval from the Coordinating Commission for Postsecondary Education as required

by subsection (10) of section 85-1414 for each of the following University of Nebraska projects, the Board of Regents of the University of Nebraska is authorized to make expenditures from the University of Nebraska Facilities Program of 2006 for the following projects: (a) Deferred maintenance, repair, and renovation of University of Nebraska at Kearney Bruner Hall; (b) construction of University of Nebraska at Kearney campus wide central utilities plant and system; (c) construction of facilities to replace University of Nebraska-Lincoln Behlen, Brace, and Ferguson Halls or deferred maintenance, repair, and renovation of University of Nebraska-Lincoln Behlen, Brace, and Ferguson Halls; (d) construction of a facility to replace University of Nebraska-Lincoln Keim Hall or deferred maintenance, repair, and renovation of University of Nebraska-Lincoln Keim Hall; (e) deferred maintenance, repair, and renovation of University of Nebraska-Lincoln Sheldon Memorial Art Gallery; (f) deferred maintenance, repair, and renovation of University of Nebraska-Lincoln Animal Science Complex; (g) deferred maintenance, repair, and renovation of University of Nebraska Medical Center Poynter, Bennet, and Wittson Halls; (h) deferred maintenance, repair, and renovation of University of Nebraska Medical Center Eppley Institute for Research in Cancer and Allied Diseases; (i) deferred maintenance, repair, and renovation of University of Nebraska Medical Center College of Dentistry; (j) deferred maintenance, repair, and renovation of University of Nebraska at Omaha Library; and (k) deferred maintenance, repair, and renovation of University of Nebraska at Omaha utilities infrastructure.

(4) Expenditures of matching funds provided for the projects listed in this section by the Board of Regents of the University of Nebraska as provided for in section 1 of this act shall be accounted for in the Nebraska State Accounting System through the University of Nebraska Facilities Program of 2006 or according to some other reporting process mutually agreed upon by the University of Nebraska and the Department of Administrative Services.

(5) The Board of Regents of the University of Nebraska shall record and report, on the Nebraska State Accounting System, expenditure of amounts from the University of Nebraska Facilities Program of 2006 and expenditure of proceeds arising from any contract entered into pursuant to this section and section 4 of this act in such manner and format as prescribed by the Department of Administrative Services or according to some other reporting process mutually agreed upon by the University of Nebraska and the Department of Administrative Services.

(6) The Board of Regents of the University of Nebraska shall provide to the Task Force for Building Renewal semiannual reports concerning the status of each project authorized by this section.

Sec. 4. (1) In order to accomplish any projects

authorized by section 3 of this act, the Board of Regents of the University of Nebraska may enter into contracts with any person, firm, or corporation providing for the implementation of any such project of the University of Nebraska and providing for the long-term payment of the cost of such project from the University of Nebraska Facilities Program of 2006. In no case shall any such contract extend for a period beyond December 31, 2021, nor shall any such contract exceed the repayment capabilities implicit in the funding streams authorized in sections 1 and 3 of this act.

(2) The Board of Regents of the University of Nebraska shall not pledge the credit of the State of Nebraska for the payment of any sum owing on account of such contract, except that there may be pledged for the payment of any such contract any appropriation specifically made by the Legislature for such purpose, together with such funds of the Board of Regents of the University of Nebraska as the board determines. No contract shall be entered into pursuant to this section without prior approval by resolution by the Board of Regents. The Board of Regents may also convey, lease, or lease back all or any part of the projects authorized by section 3 of this act and the land on which such projects are situated to such person, firm, or corporation as the Board of Regents may contract with pursuant to this section to facilitate the long-term payment of the cost of such projects. Any such conveyance or lease shall provide that when the cost of such projects has been paid, together with interest and other costs thereon, such projects and the land on which such projects are located shall become the property of the Board of Regents.

(3) The Board of Regents of the University of Nebraska is authorized to make expenditures for the purposes stated in this section and section 3 of this act from investment income balances in any fund created under the authority provided for in any contract or contracts authorized by this section. Any appropriated amounts and amounts designated or matched by the Board of Regents under section 1 of this act in excess of amounts required to meet debt service and any interest earnings derived from reserve funds or any other funds created under the authority provided for in any contract or contracts authorized by this section shall be accumulated and applied toward early retirement of debt as authorized under any resolution, indenture, or other contract entered into by the Board of Regents as authorized by this section. The Board of Regents and the Department of Administrative Services shall, on or before January 1, 2007, enter into an agreement providing for the allocation and distribution of any balances existing in the University of Nebraska Facilities Program of 2006 or any other funds created as part of a long-term contract entered into by the Board of Regents pursuant to this section to the General Fund and any other funds designated by the Board of Regents as a source of funds for the match specified in section 1 of this act either on December 31, 2021, or when all financial obligations

incurred in the contracts entered into by the Board of Regents pursuant to this section are discharged, whichever occurs first.

Sec. 5. The State College Facilities Program of 2006 is created. All funds appropriated to the program by the Legislature shall be used exclusively for deferred maintenance, repair, and renovation projects authorized pursuant to section 6 of this act.

Sec. 6. (1) Beginning with the fiscal year commencing July 1, 2006, and continuing through the fiscal year ending June 30, 2020, the Legislature shall appropriate each fiscal year from the General Fund an amount not less than one million one hundred twenty-five thousand dollars to the State College Facilities Program of 2006 to be used by the Board of Trustees of the Nebraska State Colleges to accomplish projects as provided in this section. Through the allotment process established in section 81-1113, at a minimum, the Department of Administrative Services shall make appropriated funds available. Undisbursed appropriations balances existing in the State College Facilities Program of 2006 at the end of each fiscal year until June 30, 2021, shall be and are hereby reappropriated.

(2) The Legislature finds and determines that the projects funded through the program are of critical importance to the State of Nebraska. It is the intent of the Legislature that the appropriations to the program shall not be reduced until all contracts and securities relating to the construction and financing of the projects or portions of the projects funded from such funds or accounts of such funds are completed or paid but in no case shall such appropriations extend beyond the fiscal year ending June 30, 2020, nor shall the cumulative total of the General Fund appropriations for the program exceed fifteen million seven hundred fifty thousand dollars.

(3) Subject to the receipt of project approval from the Coordinating Commission for Postsecondary Education as required by subsection (10) of section 85-1414 for each of the following state college projects, the Board of Trustees of the Nebraska State Colleges is authorized to make expenditures from the State College Facilities Program of 2006 for the following state college projects: (a) Deferred maintenance, repair, and renovation of Chadron State College Academic/Administration Building; (b) design and placement of a new Peru State College emergency power generator; (c) replacement of existing Peru State College Al Wheeler Activity Center bleachers; (d) addition to and deferred maintenance, repair, and renovation of Peru State College Al Wheeler Activity Center; (e) addition to and deferred maintenance, repair, and renovation of Wayne State College Campus Services Building; (f) deferred maintenance, repair, and renovation of Wayne State College Rice Auditorium; (g) deferred maintenance, repair, and renovation of Wayne State College Memorial Stadium; and (h) systemwide miscellaneous fire and life safety, energy conservation, deferred repair, federal Americans with Disabilities Act of 1990,

and asbestos removal projects.

(4) Expenditures of matching funds provided for the projects listed in this section by the Board of Trustees of the Nebraska State Colleges as provided for in section 1 of this act shall be accounted for in the Nebraska State Accounting System through the State College Facilities Program of 2006 or according to some other reporting process mutually agreed upon by the state colleges and the Department of Administrative Services.

(5) The Board of Trustees of the Nebraska State Colleges shall record and report, on the Nebraska State Accounting System, expenditure of amounts from the State College Facilities Program of 2006 and expenditure of proceeds arising from any contract entered into pursuant to this section and section 7 of this act in such manner and format as prescribed by the Department of Administrative Services or according to some other reporting process mutually agreed upon by the state colleges and the Department of Administrative Services.

(6) The Board of Trustees of the Nebraska State Colleges shall provide to the Task Force for Building Renewal semiannual reports concerning the status of each project authorized by this section.

Sec. 7. (1) In order to accomplish any projects authorized by section 6 of this act, the Board of Trustees of the Nebraska State Colleges may enter into contracts with any person, firm, or corporation providing for the implementation of any such project of the Nebraska state colleges and providing for the long-term payment of the cost of such project from the State College Facilities Program of 2006. In no case shall any such contract extend for a period beyond December 31, 2020, nor shall any such contract exceed the repayment capabilities implicit in the funding streams authorized in sections 1 and 6 of this act.

(2) The Board of Trustees of the Nebraska State Colleges shall not pledge the credit of the State of Nebraska for the payment of any sum owing on account of such contract, except that there may be pledged for the payment of any such contract any appropriation specifically made by the Legislature for such purpose, together with such funds of the Board of Trustees as the board determines. No contract shall be entered into pursuant to this section without prior approval by resolution by the Board of Trustees. The Board of Trustees may also convey, lease, or lease back all or any part of the projects authorized by section 6 of this act and the land on which such projects are situated to such person, firm, or corporation as the Board of Trustees may contract with pursuant to this section to facilitate the long-term payment of the cost of such projects. Any such conveyance or lease shall provide that when the cost of such projects has been paid, together with interest and other costs thereon, such projects and the land on which such projects are located shall become the property of the Board of Trustees.

(3) The Board of Trustees of the Nebraska State Colleges is authorized to make expenditures for the purposes stated in this section and section 6 of this act from interest income balances in any fund created under the authority provided for in any contract or contracts authorized by this section. Any appropriated amounts and amounts designated or matched by the Board of Trustees under section 1 of this act in excess of amounts required to meet debt service and any interest earnings derived from reserve funds or any other funds created under the authority provided for in any contract or contracts authorized by this section shall be accumulated and applied toward early retirement of debt as authorized under any resolution, indenture, or other contract entered into by the Board of Trustees as authorized by this section. The Board of Trustees and the Department of Administrative Services shall, on or before January 1, 2007, enter into an agreement providing for the allocation and distribution of any balances existing in the State College Facilities Program of 2006 or any other funds created as part of a long-term contract entered into by the Board of Trustees pursuant to this section to the General Fund and any other funds designated by the Board of Trustees as a source of funds for the match specified in section 1 of this act either on December 31, 2020, or when all financial obligations incurred in the contracts entered into by the Board of Trustees pursuant to this section are discharged, whichever occurs first.

Sec. 8. Since an emergency exists, this act takes effect when passed and approved according to law.

Senator D. Pederson filed the following amendment to LB 605A:
AM1897

1. Strike the original sections and insert the following new sections:

Section 1. There is hereby appropriated (1) $5,500,000 from the General Fund for FY2006-07 and (2) $5,500,000 from the General Fund for FY2007-08 to the Board of Regents of the University of Nebraska, for Program 920, to aid in carrying out the provisions of Legislative Bill 605, Ninety-ninth Legislature, Second Session, 2006.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 2. There is hereby appropriated (1) $1,125,000 from the General Fund and $200,000 from the State College Facility Fee Fund for FY2006-07 and (2) $1,125,000 from the General Fund and $400,000 from the State College Facility Fee Fund for FY2007-08 to the Board of Trustees of the Nebraska State Colleges, for Program 919, to aid in carrying out the provisions of Legislative Bill 605, Ninety-ninth Legislature, Second Session, 2006.

No expenditures for permanent and temporary salaries and

per diems for state employees shall be made from funds appropriated in this section.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.

NOTICE OF COMMITTEE HEARINGS
Revenue
Room 1524

LB 769	Wednesday, January 25, 2006	1:30 p.m.
LB 810	Wednesday, January 25, 2006	1:30 p.m.
LB 965	Wednesday, January 25, 2006	1:30 p.m.
LB 966	Wednesday, January 25, 2006	1:30 p.m.
LB 988	Wednesday, January 25, 2006	1:30 p.m.
LB 997	Wednesday, January 25, 2006	1:30 p.m.
LB 1094	Wednesday, January 25, 2006	1:30 p.m.
LB 893	Thursday, January 26, 2006	1:30 p.m.
LB 971	Thursday, January 26, 2006	1:30 p.m.
LB 1032	Thursday, January 26, 2006	1:30 p.m.
LB 804	Thursday, January 26, 2006	1:30 p.m.
LB 1089	Thursday, January 26, 2006	1:30 p.m.

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Combs asked unanimous consent to add her name as cointroducer to LB 841. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to add his name as cointroducer to LB 841. No objections. So ordered.

Senator Aguilar asked unanimous consent to add his name as cointroducer to LB 845. No objections. So ordered.

Senator Burling asked unanimous consent to add his name as cointroducer to LBs 851, 862, and 915. No objections. So ordered.

Senator Combs asked unanimous consent to add her name as cointroducer to LB 1150. No objections. So ordered.

Senator Schimek asked unanimous consent to add her name as cointroducer to LB 1256. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Flood withdrew his name as cointroducer to LB 1129.

MOTIONS - Print in Journal

Senator Louden filed the following motion to LB 1129:
Withdraw LB 1129.

Senator Chambers filed the following motion to LB 548:
Indefinitely postpone.

SELECT FILE

LEGISLATIVE BILL 548. The Schrock-Beutler pending amendment, AM1864, found on page 295 and considered in this day's Journal, was renewed.

SPEAKER BRASHEAR PRESIDING

Pending.

VISITORS

Visitors to the Chamber were Senator Fischer's son, Adam Fischer, from Valentine; Bob Swanson from Ames, Iowa; and Mike and Marcia Soneson and Wilber and Nancy Meester from Holdrege.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 12:00 p.m., on a motion by Speaker Brashear, the Legislature adjourned until 9:00 a.m., Thursday, January 19, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

ELEVENTH DAY - JANUARY 19, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 19, 2006

PRAYER

The prayer was offered by Pastor Jeremy Jech, Cozad Christian Church, Cozad.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Brashear, Brown, Langemeier, Mines, Dw. Pedersen, D. Pederson, Price, and Thompson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 403, line 8, strike "Considered." and insert "The Schrock-Beutler pending amendment, AM1864, found on page 295 and considered in this day's Journal, was renewed.".
The Journal for the tenth day was approved as corrected.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB 1107	Education
LB 1108	Judiciary
LB 1109	Natural Resources
LB 1110	General Affairs
LB 1111	General Affairs
LB 1112	Urban Affairs
LB 1113	Judiciary
LB 1114	Judiciary
LB 1115	Judiciary
LB 1116	Health and Human Services
LB 1117	Transportation and Telecommunications

LB 1118	Education
LB 1119	Education
LB 1120	Judiciary
LB 1121	Appropriations
LB 1122	Banking, Commerce and Insurance
LB 1123	Banking, Commerce and Insurance
LB 1124	Banking, Commerce and Insurance
LB 1125	Business and Labor
LB 1126	Business and Labor
LB 1127	Natural Resources
LB 1128	Banking, Commerce and Insurance
LB 1129	Revenue
LB 1130	Revenue
LB 1131	Appropriations
LB 1132	Health and Human Services
LB 1133	Judiciary
LB 1134	Revenue
LB 1135	Judiciary
LB 1136	Judiciary
LB 1137	Judiciary
LB 1138	Education
LB 1139	Revenue
LB 1140	Nebraska Retirement Systems
LB 1141	Executive Board
LB 1142	Nebraska Retirement Systems
LB 1143	Banking, Commerce and Insurance
LB 1144	Judiciary
LB 1145	Appropriations
LB 1146	Judiciary
LB 1147	Natural Resources
LB 1148	Education
LB 1149	Judiciary
LB 1150	Judiciary
LB 1151	Transportation and Telecommunications
LB 1152	Transportation and Telecommunications
LB 1153	Judiciary
LB 1154	Government, Military and Veterans Affairs
LB 1155	Health and Human Services
LB 1156	Natural Resources
LB 1157	Appropriations

LR 272CA	Urban Affairs
LR 273CA	Judiciary
LR 274CA	Judiciary

(Signed) Pat Engel, Chairperson
Legislative Council, Executive Board

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 875. Placed on General File as amended.
Standing Committee amendment to LB 875:
AM1901

1. Strike section 16 and insert the following new sections:

Sec. 3. Section 44-1988, Reissue Revised Statutes of Nebraska, is amended to read:

44-1988. (1) In determining the financial condition of a title insurer transacting the business of title insurance under the Title Insurers Act, the general provisions of the insurance laws of this state requiring the establishment of reserves sufficient to cover all known and unknown liabilities, including allocated and unallocated loss adjustment expense, shall apply except as provided in subsections (2) through (4) of this section.

(2) A title insurer shall establish and maintain a known claim reserve in an amount estimated to be sufficient to cover all unpaid losses, claims, and allocated loss adjustment expenses arising under title insurance policies, guaranteed certificates of title, guaranteed searches, and guaranteed abstracts of title and all unpaid losses, claims, and allocated loss adjustment expenses for which the title insurer may be liable and for which the title insurer has received notice by or on behalf of the insured, holder of a guarantee or escrow, or security depositor.

(3)(a) If a title insurer is a foreign or non-United-States title insurer, the title insurer shall establish and maintain a statutory or unearned premium reserve consisting of the amount of statutory or unearned premium reserve required by the laws of the domiciliary state of the title insurer.

(b)(i) If a title insurer is a domestic insurer of this state, the title insurer shall establish and maintain a statutory or unearned premium reserve consisting of the amount of the statutory or unearned premium or reinsurance reserve on September 13, 1997, which balance shall be released in accordance with the law in effect at the time such sums were added to the reserve.

(ii) If a title insurer that is organized under the laws of another state transfers its domicile to this state, the statutory or unearned premium reserve shall be that amount required by the laws of the state of the title insurer's former state of domicile as of the date of transfer of domicile. Thereafter, the aggregate of such statutory or unearned premium reserve shall be released from the reserve and restored to profits over a period of twenty years pursuant to the formula set forth in subdivision (3)(b)(vi) of this section. Following the transfer of domicile to this state of the title insurer, for business written after the date of transfer of domicile, the title insurer shall add to and set aside in the statutory or unearned premium reserve such amount

as provided in subdivision (3)(b)(v) of this section.

~~(ii)~~ (iii) Out of total charges for title insurance policies written or assumed commencing on September 13, 1997, and until December 31, 1998, a title insurer shall add to and set aside in the reserve required under subdivision (3)(b)(i) of this section an amount equal to six percent of the sum of the following items set forth in the title insurer's most recent annual statement on file with the director:

(A) Direct premiums written;

(B) Escrow, settlement, and closing fees;

(C) Other title fees and service charges, including fees for closing protection letters; and

(D) Premiums for reinsurance assumed less premiums for reinsurance ceded.

~~(iii)~~ (iv) Additions to the reserve required under subdivision (3)(b)(i) of this section ~~on or after~~ commencing on January 1, 1999, and until December 31, 2005, shall be made out of total charges for title insurance policies and guarantees written, equal to the sum of the following items, as set forth in the title insurer's most recent annual statement on file with the director:

(A) For each title insurance policy on a single risk written or assumed on or after January 1, 1999, twenty-five cents per one thousand dollars of net retained liability for title insurance policies under five hundred thousand dollars and twelve cents per one thousand dollars of net retained liability for title insurance policies of five hundred thousand dollars or greater; and

(B) Six percent of escrow, settlement, and closing fees collected in contemplation of the issuance of title insurance policies or guarantees.

(v) Out of total charges for title insurance policies written or assumed on or after January 1, 2006, a title insurer shall add to and set aside in the reserve required under subdivision (3)(b)(i) of this section an amount equal to seventeen cents per one thousand dollars of net retained liability for each title insurance policy.

~~(iv)~~ (vi) The aggregate of the amounts set aside in the reserve required under subdivision (3)(b)(i) of this section in any calendar year pursuant to subdivisions ~~(3)(b)(ii) and (3)(b)(iii)~~ (3)(b)(iii) and (3)(b)(iv) of this section and the reserve required under subdivision (3)(b)(ii) of this section shall be released from the reserve and restored to net profits over a period of twenty years pursuant to the following formula: ~~Thirty~~ For an insurer that transfers its domicile to this state, thirty percent of the aggregate of such reserves on July 1 following the date of transfer of its domicile and thereafter pursuant to the formula as set forth in this subdivision; and for all other insurers, thirty percent of the aggregate sum on July 1 of the year next succeeding the year of addition; fifteen percent of the aggregate sum on July 1 of

the next succeeding year; ten percent of the aggregate sum on July 1 of each of the next succeeding two years; five percent of the aggregate sum on July 1 of each of the next succeeding two years; three percent of the aggregate sum on July 1 of each of the next succeeding two years; two percent of the aggregate sum on July 1 of each of the next succeeding seven years; and one percent of the aggregate sum on July 1 of each of the next succeeding five years. No release of statutory or unearned premium reserve shall occur if such release would result in the aggregate reserve falling below the actuarial level required by subsection (1) of this section.

~~(v)~~ (vii) The title insurer shall calculate an adjusted statutory or unearned premium reserve as of September 13, 1997. The adjusted reserve shall be calculated as if subdivisions ~~(3)(b)(ii) through (iv)~~ (3)(b)(iii), (iv), and (vi) of this section had been in effect for all years beginning twenty years prior to September 13, 1997. For purposes of this calculation, the balance of the reserve as of that date shall be deemed to be zero. If the adjusted reserve so calculated exceeds the aggregate amount set aside for statutory or unearned premiums in the title insurer's annual statement on file with the director on September 13, 1997, the title insurer shall, out of total charges for title insurance policies, increase its statutory or unearned premium reserve by an amount equal to one-sixth of that excess in each of the succeeding six years, commencing with the calendar year that includes September 13, 1997, until the entire excess has been added.

~~(vi)~~ (viii) The aggregate of the amounts set aside in the reserve required under subdivision (3)(b)(i) of this section in any calendar year as adjustments to the title insurer's statutory or unearned premium reserve pursuant to subdivision ~~(3)(b)(v)~~ (3)(b)(vii) of this section shall be released from the reserve and restored to net profits, or equity if the additions required by such subdivision reduced equity directly, over a period not exceeding ten years pursuant to the following table:

Calendar Year of Addition	Release
1998	Equally over 10 years
1999	Equally over 9 years
2000	Equally over 8 years
2001	Equally over 7 years
2002	Equally over 6 years
2003	Equally over 5 years

(4) A title insurer shall establish and maintain a supplemental reserve consisting of any other reserves necessary, when taken in combination with the reserves required by subsections (2) and (3) of this section, to cover the title insurer's liabilities with respect to all losses, claims, and loss adjustment expenses. The supplemental reserve required under this subsection shall be phased in as follows: Twenty-five percent of the otherwise applicable supplemental reserve will be required until December

31, 1998; fifty percent of the otherwise applicable supplemental reserve will be required until December 31, 1999; and seventy-five percent of the otherwise applicable supplemental reserve will be required until December 31, 2000.

(5) Each title insurer subject to the Title Insurers Act shall file with its annual financial statement required under section 44-322 a certification by a member in good standing of the American Academy of Actuaries. The actuarial certification required of a title insurer shall conform to the National Association of Insurance Commissioners' annual statement instructions for title insurers.

Sec. 17. Section 20 of this act becomes operative on December 31, 2007. Sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 18 of this act become operative three calendar months after adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 19. Original section 44-1988, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 21. Since an emergency exists, this act takes effect when passed and approved according to law.

2. On page 21, line 19, strike " sate " and insert " state ".

3. Renumber the remaining sections and correct internal references accordingly.

(Signed) Mick Mines, Chairperson

Agriculture

LEGISLATIVE BILL 874. Placed on General File.

(Signed) Bob Kremer, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 764. Placed on Select File.
LEGISLATIVE BILL 765. Placed on Select File.

LEGISLATIVE BILL 454. Placed on Select File as amended.
E & R amendment to LB 454:
AM7137

1. In the Standing Committee amendment, AM0810:

a. On page 2, line 6; and page 4, line 1, strike "act" and insert "Concealed Handgun Permit Act";

b. On page 6, line 1, before "been" insert "have"; in line 4 after "ill" insert "and"; in line 5 strike "is not" and insert "not be"; and in line 22 after "and" insert "the";

c. On page 9, line 21, strike the second "or" and insert "of";

d. On page 11, line 18, strike "premise" and insert "premises";
e. On page 14, line 7, after "identification" insert "card"; and
f. On page 15, line 5, strike "2006" and insert "2007".

LEGISLATIVE BILL 57. Placed on Select File as amended.
E & R amendment to LB 57:
AM7138
1. On page 1, line 3; page 2, line 1; and page 3, line 25, before "Supplement" insert "Cumulative".

(Signed) Michael Flood, Chairperson

SELECT FILE

LEGISLATIVE BILL 548. Senator Schrock renewed the Schrock-Beutler pending amendment, AM1864, found on page 295 and considered on pages 382 and 403.

Senator Chambers offered the following amendment to the Schrock-Beutler pending amendment:
FA352
Amend AM1864
Strike Section 1.

Senator Chambers withdrew his amendment.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 276. Introduced by Stuthman, 22.

WHEREAS, Mathew McCoy has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest advancement rank in Scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks: Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle. Throughout his Scouting experience, Mathew McCoy has learned, been tested on, and been recognized for various Scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only four percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE

NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Mathew McCoy on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Mathew McCoy.

Laid over.

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 766. Placed on General File.

(Signed) Jim Jensen, Chairperson

ANNOUNCEMENT

The Government, Military and Veterans Affairs Committee designates LB 188 as its priority bill.

SELECT FILE

LEGISLATIVE BILL 548. Senator Chambers offered the following amendment to the Schrock-Beutler pending amendment:
FA353
Amend AM1864
Strike section 3.

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment to the Schrock-Beutler pending amendment:
FA354
Amend AM1864
Strike Section 4.

Senator Chambers withdrew his amendment.

The Schrock-Beutler pending amendment, AM1864, found on page 295 and considered on pages 382, 403, and in this day's Journal, was renewed.

The Schrock-Beutler amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Senator Chambers withdrew his pending motion, found on page 403, to indefinitely postpone.

Advanced to E & R for engrossment.

SPEAKER BRASHEAR PRESIDING

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 263, 264, 265, 266, and 267 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 263, 264, 265, 266, and 267.

SENATOR CUDABACK PRESIDING

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 787. Placed on General File as amended.
Standing Committee amendment to LB 787:
AM1894

1. On page 3, strike lines 16 and 17 and insert "inspection, repair, and calibration of radiological".
2. On page 4, line 3, strike "Radiological Calibration Laboratory Cash Fund" and insert "Nebraska Emergency Management Agency Cash Fund".

(Signed) DiAnna R. Schimek, Chairperson

Revenue

LEGISLATIVE BILL 887. Placed on General File as amended.
Standing Committee amendment to LB 887:
AM1914

1. On page 9, line 4, strike "participation in the agreement", show as stricken, and insert "first approval of a certified service provider"; and strike beginning with "during" in line 6 through the period in line 7 and insert "between October 1, 2004, and September 30, 2005.".

(Signed) David Landis, Chairperson

ANNOUNCEMENT

The Banking, Commerce and Insurance Committee designates LB 875 as its priority bill.

AMENDMENTS - Print in Journal

Senator Schimek filed the following amendment to LB 454:
AM1918

(Amendments to AM1119)

1. Strike amendment 1.

Senator Howard filed the following amendment to LB 766:
AM1919
1. On page 2, line 5, after the period insert "The task force shall have no more than twelve members."; in line 6 after "shall" insert "meet monthly and"; and in line 15 strike "January 1, 2007" and insert "December 8, 2006".

UNANIMOUS CONSENT - Add Cointroducers

Senator Redfield asked unanimous consent to add her name as cointroducer to LBs 781 and 1051. No objections. So ordered.

Senator McDonald asked unanimous consent to add her name as cointroducer to LB 841. No objections. So ordered.

Senator Schrock asked unanimous consent to add his name as cointroducer to LB 849. No objections. So ordered.

Senator Aguilar asked unanimous consent to add his name as cointroducer to LB 957. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB 1087. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 72. The Standing Committee amendment, AM0059, found on page 345 and considered on page 545, First Session, 2005, was renewed.

Senator Stuhr renewed her pending amendment, AM1841, found on page 206, to the Standing Committee amendment.

Pending.

AMENDMENTS - Print in Journal

Senator Landis filed the following amendment to LB 693:
(Amendment, AM1805, is printed separately and available in the Bill Room, Room 1104.)

Senator Landis filed the following amendment to LB 75:
AM1926
(Amendments to Standing Committee amendments, AM0022)
1. Strike amendments 1 through 4 and insert the following new amendment:
1. Strike the original sections and all amendments thereto and insert the following new sections:
Section 1. At the general election in November 2006 the

following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article XI, section 1:

XI-1 No city, county, town, precinct, municipality, or other ~~sub-division~~ subdivision of the state~~,~~ shall ever become a subscriber to the capital stock, or owner of such stock, or any portion or interest therein of any railroad, or private corporation, or association, except that, notwithstanding any other provision of this Constitution, the Legislature may authorize the investment of the public funds of cities, villages, school districts, public power districts, and other governmental or political subdivisions in the manner of a prudent investor who shall act with care, skill, and diligence under the prevailing circumstance and in such investments as the governing body of such city, village, school district, public power district, and other governmental or political subdivision may, acting in a fiduciary capacity for the exclusive purpose of protecting and benefiting such investment, determine but subject to such limitations as the Legislature may by statute provide.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to authorize the investment of the public funds of cities, villages, school districts, public power districts, and other governmental or political subdivisions in such manner and in such investments as the governing body of such governmental or political subdivision may determine subject to limitations by the Legislature.

For

Against.

STANDING COMMITTEE REPORTS
Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Mark Pinkerton - Game and Parks Commission

VOTE: Aye: Senators Hudkins, Kopplin, Kremer, Louden, McDonald, Schrock, Smith, Stuhr. Nay: None. Absent: None.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Vaughn Blum - Environmental Quality Council

VOTE: Aye: Senators Hudkins, Kopplin, Kremer, Louden, McDonald, Schrock, Smith, Stuhr. Nay: None. Absent: None.

(Signed) Ed Schrock, Chairperson

VISITORS

Visitors to the Chamber were 55 high school seniors and teacher from Syracuse; Karen Riesberg from Crofton, Vickie Prince from Pierce, and Janet Wiechelman from Hartington; and Phil Hranac, Lance Sorensen, and Terry Torson from Kearney.

The Doctor of the Day was Dr. Rick Gustafson from Lincoln.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator Smith, the Legislature adjourned until 9:00 a.m., Friday, January 20, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWELFTH DAY - JANUARY 20, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 20, 2006

PRAYER

The prayer was offered by Pastor Troy Harden, First Baptist Church, Pawnee City.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Kremer and Louden who were excused; and Senators Burling, Cunningham, Flood, Landis, and Mines who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eleventh day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LR 273CA	Government, Military and Veterans Affairs (rereferred)
LB 1158	Business and Labor
LB 1159	Revenue
LB 1160	General Affairs
LB 1161	Natural Resources
LB 1162	Agriculture
LB 1163	Judiciary
LB 1164	Natural Resources
LB 1165	Revenue
LB 1166	Revenue
LB 1167	Education
LB 1168	Transportation and Telecommunications
LB 1169	Judiciary

LB 1170	Government, Military and Veterans Affairs
LB 1171	Revenue
LB 1172	Transportation and Telecommunications
LB 1173	Urban Affairs
LB 1174	Urban Affairs
LB 1175	Urban Affairs
LB 1176	Urban Affairs
LB 1177	Health and Human Services
LB 1178	Health and Human Services
LB 1179	Health and Human Services
LB 1180	Judiciary
LB 1181	Judiciary
LB 1182	Government, Military and Veterans Affairs
LB 1183	Revenue
LB 1184	Government, Military and Veterans Affairs
LB 1185	Government, Military and Veterans Affairs
LB 1186	Natural Resources
LB 1187	Natural Resources
LB 1188	Judiciary
LB 1189	Revenue
LB 1190	Judiciary
LB 1191	Transportation and Telecommunications
LB 1192	Appropriations
LB 1193	Banking, Commerce and Insurance
LB 1194	Education
LB 1196	Judiciary
LB 1197	Agriculture
LB 1198	Revenue
LB 1199	Judiciary
LB 1200	Judiciary
LB 1201	Revenue
LB 1202	Banking, Commerce and Insurance
LB 1203	Education
LB 1204	Education
LB 1205	Judiciary
LB 1206	Revenue
LB 1207	Appropriations
LB 1208	Education
LB 1209	Revenue
LB 1210	Judiciary
LB 1211	Education
LB 1212	Revenue
LB 1213	Education
LB 1214	Natural Resources
LB 1215	Transportation and Telecommunications
LB 1216	Revenue
LB 1217	Revenue
LB 1218	Business and Labor
LB 1219	Appropriations

LB 1220	Health and Human Services
LB 1221	Revenue
LB 1222	Transportation and Telecommunications
LB 1223	Judiciary
LB 1224	Judiciary
LB 1225	Natural Resources
LB 1226	Natural Resources
LB 1227	Judiciary
LB 1228	Appropriations
LB 1229	Appropriations
LB 1230	Banking, Commerce and Insurance
LB 1231	Health and Human Services
LB 1232	Health and Human Services
LB 1233	Health and Human Services
LB 1234	Urban Affairs
LB 1235	Appropriations
LB 1236	Government, Military and Veterans Affairs
LB 1237	Business and Labor
LB 1238	Business and Labor
LB 1239	Revenue
LB 1240	Banking, Commerce and Insurance
LB 1241	Urban Affairs
LB 1242	Health and Human Services
LB 1243	Education
LB 1244	Health and Human Services
LB 1245	Government, Military and Veterans Affairs
LB 1246	Government, Military and Veterans Affairs
LB 1247	Education
LB 1248	Health and Human Services
LB 1249	Urban Affairs
LB 1250	Banking, Commerce and Insurance
LB 1251	Revenue
LB 1252	Judiciary
LB 1253	Judiciary
LB 1254	Health and Human Services
LB 1255	Revenue
LB 1256	Education
LB 1257	Judiciary
LB 1258	Appropriations
LB 1259	Banking, Commerce and Insurance
LB 1260	Judiciary
LB 1261	Banking, Commerce and Insurance
LB 1262	Education
LB 1263	Judiciary

LR 275CA	Revenue

(Signed) Pat Engel, Chairperson
Legislative Council, Executive Board

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 791. Indefinitely postponed.
LEGISLATIVE BILL 858. Indefinitely postponed.
LEGISLATIVE BILL 897. Indefinitely postponed.
LEGISLATIVE BILL 974. Indefinitely postponed.

(Signed) David Landis, Chairperson

Health and Human Services

LEGISLATIVE BILL 994. Placed on General File.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Joann Schaefer - Chief Medical Officer and Director of Regulation and Licensure
Ron Sorensen - Behavioral Health Administrator

VOTE: Aye: Senators Jensen, Byars, Cunningham, Erdman, Johnson, Stuthman and Howard. Nay: None. Absent: None.

(Signed) Jim Jensen, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 19, 2006, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Amack, Angela K.
Credit Management
Grand Island Area Economic Development Corporation
Grand Island Public Schools
South Platte United Chambers of Commerce

Belschner, Shanna
Children and Family Coalition of Nebraska

Berryman, Scott
Blackwell Sanders Peper Martin LLP

Boehm, John M.
Mortgage Association, Nebraska

Cavanaugh Law Firm, PC, LLO
City of Omaha, Mayor

Curtis, Carol A.
AstraZeneca Pharmaceuticals

Gossman, Abigail
MedImmune, Inc.

Hallstrom, Robert J.
Appraisers, Nebraska Coalition of

Hollingsead, Andrew
Tax Research Council, Inc., Nebraska

Hybl, Michael G.
Ignition Interlock Systems of IA, Inc.

Kamm, Richard D.
Adams Central Junior-Senior High
Northwest High School
Wakeview Community Schools

Keigher/Rasmussen & Associates, LLC
Northwestern Lumber Association

Krebsbach, Laura
Sierra Club, Nebraska

Krusemark, Cortni L.
Occupational Therapy Association, Nebraska

Kulesher, Kate M.
Wyeth

Kutilek, William R.
Cooperative Council, Nebraska

Nilsen, Patrick M.
Carpenters District Council of Kansas City & Vicinity

O'Hara, Lindsay & Associates, Inc.
Valmont Industries, Inc.

Peters, William E.
Buffalo Association, Nebraska State

Ruth Mueller Robak LLC
Iron and Steel Manufacturing Group, Nebraska
Lock/Line, LLC
Lower Republican NRD

Smith, Steve
Water Claim

Wetzel, David
Dairy Group, Nebraska

REPORTS

The following reports were received by the Legislature:

Roads, Department of
State Highway Commission Quarterly Report
Secretary of State
Initiative 300 Reports Summary of Activity 2005 (LB 1193, 1998)

GENERAL FILE

LEGISLATIVE BILL 72. Senator Stuhr renewed her pending amendment, AM1841, found on page 206 and considered on page 414, to the Standing Committee amendment.

Senator Stuhr moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Stuhr amendment was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the Standing Committee amendment:
FA355
Amend AM1841
P. 8, line 19 strike "licensee" and insert "license"

The Chambers amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following amendment to the Standing Committee amendment:
FA356
Amend AM1841

P. 2, line 18 strike "officials" and insert "personnel"

Senator Chambers moved for a call of the house. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

The Chambers amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT - Print in Journal

Senator Hudkins filed the following amendment to LB 790:
AM1929
1 1. On page 2, lines 9 and 11, strike "or animals".

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 792. Placed on General File as amended.
Standing Committee amendment to LB 792:
AM1937
1 1. Insert the following new section:
2 Sec. 3. Since an emergency exists, this act takes effect
3 when passed and approved according to law.

LEGISLATIVE BILL 818. Placed on General File as amended.
Standing Committee amendment to LB 818:
AM1936
1 1. Insert the following new section:
2 Sec. 3. Since an emergency exists, this act takes effect
3 when passed and approved according to law.

(Signed) Ed Schrock, Chairperson

NOTICE OF COMMITTEE HEARINGS
Business and Labor
Room 1524

LB 1237	Monday, January 30, 2006	1:30 p.m.
LB 1238	Monday, January 30, 2006	1:30 p.m.

(Signed) Douglas Cunningham, Chairperson

Appropriations
Room 1003

LB 1060	Monday, January 30, 2006	1:30 p.m.
LB 1061	Monday, January 30, 2006	1:30 p.m.
LB 1062	Monday, January 30, 2006	1:30 p.m.

Monday, January 30, 2006 1:30 p.m.
AGENCY 37 - Workers' Compensation Court
AGENCY 75 - Investment Council
AGENCY 85 - Public Employees Retirement Systems
AGENCY 65 - Department of Administrative Services

LB 1131	Monday, January 30, 2006	1:30 p.m.
LB 931	Monday, January 30, 2006	1:30 p.m.
LB 1235	Monday, January 30, 2006	1:30 p.m.

(Signed) Don Pederson, Chairperson

Transportation and Telecommunications
Room 1113

LB 1222	Monday, January 30, 2006	1:30 p.m.
LB 1085	Tuesday, January 31, 2006	1:30 p.m.
LB 800	Tuesday, January 31, 2006	1:30 p.m.
LB 1069	Tuesday, January 31, 2006	1:30 p.m.
LB 1008	Tuesday, January 31, 2006	1:30 p.m.
LB 789	Tuesday, January 31, 2006	1:30 p.m.
LB 1071	Tuesday, January 31, 2006	1:30 p.m.

(Signed) Tom Baker, Chairperson

GENERAL FILE

LEGISLATIVE BILL 72. Senator Chambers offered the following amendment to the Standing Committee amendment:
FA357
Amend AM1841
P. 3, line 23 strike "may" and insert "shall".

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

The Chambers amendment was adopted with 30 ayes, 0 nays, 8 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Pending.

NOTICE OF COMMITTEE HEARINGS
Education
Room 1525

LB 1017	Monday, January 30, 2006	1:30 p.m.
LB 1024	Monday, January 30, 2006	1:30 p.m.
LB 1167	Monday, January 30, 2006	1:30 p.m.
LB 1262	Monday, January 30, 2006	1:30 p.m.
LB 998	Tuesday, January 31, 2006	1:30 p.m.
LB 1050	Tuesday, January 31, 2006	1:30 p.m.
LB 1243	Tuesday, January 31, 2006	1:30 p.m.
LB 803	Monday, February 6, 2006	1:30 p.m.
LB 890	Monday, February 6, 2006	1:30 p.m.
LB 961	Monday, February 6, 2006	1:30 p.m.
LB 1006	Monday, February 6, 2006	1:30 p.m.
LB 1118	Monday, February 6, 2006	1:30 p.m.
LB 1138	Monday, February 6, 2006	1:30 p.m.

(Signed) Ron Raikes, Chairperson

ANNOUNCEMENT

The Education Committee designates LB 1024 as its priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 277. Introduced by Smith, 48.

WHEREAS, Dean Gorsuch, from Gering, Nebraska, has become an accomplished professional rodeo cowboy and competes on the Professional Rodeo Cowboys Association circuit; and

WHEREAS, Dean placed second at the 2005 PRCA National Finals Rodeo in Las Vegas in steer wrestling; and

WHEREAS, Dean placed sixth in the PRCA World Standings for steer wrestling; and

WHEREAS, Dean was honored as a "hometown hero" on January 14, 2006, in recognition of his many accomplishments as a professional rodeo cowboy.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Dean Gorsuch on his accomplishments in a sport that embodies the grit and determination of Nebraskans.

2. That a copy of this resolution be sent to Dean Gorsuch.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 72. Senator Chambers offered the following amendment to the Standing Committee amendment:
FA358
Amend AM1841
P. 6, line 13 strike "any" and insert "all"

The Chambers amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

The Standing Committee amendment, AM0059, found on page 345 and considered on page 545, First Session, 2005, and on page 414, as amended, was renewed.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

Senator Stuhr withdrew her pending amendment, AM0619, found on page 918, First Session, 2005.

Pending.

UNANIMOUS CONSENT - Add Cointroducers

Senator Dw. Pedersen asked unanimous consent to add his name as cointroducer to LBs 772, 790, and 932. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB 1013. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Dw. Pedersen withdrew his name as cointroducer to LB 849.

VISITORS

Visitors to the Chamber were Dental Hygienist Students of Nebraska; 19 eighth-grade students and teacher from Helen Hyatt School, Lincoln; and Randy Thomas from Lincoln.

The Doctor of the Day was Dr. Tim Dalton from Lincoln.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Cudaback, the Legislature adjourned until 10:00 a.m., Monday, January 23, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

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THIRTEENTH DAY - JANUARY 23, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 23, 2006

PRAYER

The prayer was offered by Pastor Dale Marples, Jubilee Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Kremer, McDonald, Mines, D. Pederson, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twelfth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB 962	Education (rereferred)
LB 987	Education (rereferred)
LB 1107	Health and Human Services (rereferred)
LB 1148	Health and Human Services (rereferred)
LB 1195	Natural Resources

(Signed) Pat Engel, Chairperson
Legislative Council, Executive Board

ANNOUNCEMENT

The Nebraska Retirement Systems Committee designates LBs 366 and 1019 as its priority bills.

MOTIONS - Approve Appointments

Senator Schrock moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 415:

Game and Parks Commission
Mark Pinkerton

Voting in the affirmative, 32:

Aguilar	Cudaback	Heidemann	Langemeier	Stuhr
Baker	Cunningham	Howard	Louden	Stuthman
Burling	Engel	Hudkins	Pahls	Synowiecki
Byars	Erdman	Jensen	Pedersen, Dw.	Wehrbein
Combs	Fischer	Johnson	Preister	
Connealy	Flood	Kopplin	Raikes	
Cornett	Foley	Landis	Schrock	

Voting in the negative, 0.

Present and not voting, 12:

Beutler	Brown	Janssen	Schimek
Bourne	Chambers	Kruse	Smith
Brashear	Friend	Redfield	Thompson

Excused and not voting, 5:

Kremer	McDonald	Mines	Pederson, D.	Price

The appointment was confirmed with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Senator Schrock moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 415:

Environmental Quality Council
Vaughn Blum

Voting in the affirmative, 37:

Aguilar	Cudaback	Howard	Louden	Smith
Baker	Cunningham	Hudkins	Mines	Stuhr
Bourne	Engel	Janssen	Pahls	Stuthman
Burling	Erdman	Jensen	Pedersen, Dw.	Synowiecki
Byars	Fischer	Johnson	Preister	Wehrbein
Combs	Flood	Kopplin	Raikes	
Connealy	Foley	Landis	Schimek	
Cornett	Heidemann	Langemeier	Schrock	

Voting in the negative, 0.

Present and not voting, 8:

Beutler	Brown	Friend	Redfield
Brashear	Chambers	Kruse	Thompson

Excused and not voting, 4:

Kremer	McDonald	Pederson, D.	Price

The appointment was confirmed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

MOTION - Withdraw LB 1129

Senator Louden renewed his pending motion, found on page 403, to withdraw LB 1129.

The Louden motion to withdraw prevailed with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 764. Advanced to E & R for engrossment.

LEGISLATIVE BILL 765. Considered.

Advanced to E & R for engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 278. Introduced by Foley, 29.

WHEREAS, Joseph W. Moylan, a distinguished lawyer, judge, and Nebraskan, passed away on August 13, 2005; and

WHEREAS, Joseph W. Moylan is survived by his beloved wife, Gretchen, and by their children Mary, John, Cathy, Theresa, Sheila, and Steve, and stepson John Paul Schutte, and by fifteen grandchildren; and

WHEREAS, Joseph W. Moylan earned a bachelor's degree from Marquette University and a law degree from Creighton University; and

WHEREAS, Joseph W. Moylan followed his father's example of public service by working as a special attorney general for the State of Nebraska, a private lawyer, and assistant public defender in Douglas County; and

WHEREAS, Joseph W. Moylan was appointed by Governor J. James Exon to the Douglas County Juvenile Court in 1972; and

WHEREAS, Joseph W. Moylan served honorably as a judge for twenty-one years before receiving a case that violated his moral beliefs; and

WHEREAS, Joseph W. Moylan, after reviewing his options, resigned from the job he cherished rather than sign a waiver allowing a pregnant young woman to abort her child, refusing to be complicit in what he recognized as an unspeakable evil; and

WHEREAS, Joseph W. Moylan raised the standard for all public officials regarding honor, ethics, and duty through his actions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature expresses its condolences to the family of Joseph W. Moylan; and

2. That a copy of this resolution be sent to the family of Joseph W. Moylan.

Laid over.

LEGISLATIVE RESOLUTION 279. Introduced by Byars, 30.

WHEREAS, seventy-six and three tenths percent of Nebraska's population have less than a college education; and

WHEREAS, a large majority of Nebraska's people need developmental course work, tutoring, and counseling to succeed in secondary school and in postsecondary freshman-level courses; and

WHEREAS, these people are one or more of the following: Low-income, children of parents with no postsecondary experience, nontraditional students, or disabled or culturally disadvantaged; and

WHEREAS, the twenty-nine TRIO Programs in Nebraska, located on the campuses of Southeast Community College, University of Nebraska at Lincoln, Doane College, University of Nebraska at Omaha, University of Nebraska at Kearney, Central Community College, Chadron State College, Creighton University, Metropolitan Community College, Nebraska Indian Community College, Peru State College, Wayne State College, Western Nebraska Community College, and Applied Information Management Institute; and

WHEREAS, these twenty-nine programs, with a combined budget of $8,028,666 of federal funding for educational opportunity services, have provided support services that enhance the prospects of educational excellence for those who are disadvantaged and will serve approximately seven thousand six hundred ninety students during the 2004-05 program years.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That February 25, 2006, shall be known as National TRIO Day.

2. That a copy of this resolution be sent to the Director of the TRIO Program on the Southeast Community College campus in Beatrice, Nebraska.

Laid over.

NOTICE OF COMMITTEE HEARINGS
Health and Human Services
Room 1510

LB 1036	Wednesday, February 1, 2006	1:30 p.m.
LB 1086	Wednesday, February 1, 2006	1:30 p.m.
LB 1088	Wednesday, February 1, 2006	1:30 p.m.
LB 1104	Wednesday, February 1, 2006	1:30 p.m.
LB 1155	Wednesday, February 1, 2006	1:30 p.m.
LB 1244	Wednesday, February 1, 2006	1:30 p.m.
LB 1041	Thursday, February 2, 2006	1:30 p.m.
LB 1058	Thursday, February 2, 2006	1:30 p.m.
LB 1079	Thursday, February 2, 2006	1:30 p.m.
LB 1116	Thursday, February 2, 2006	1:30 p.m.
LB 854	Wednesday, February 8, 2006	1:30 p.m.
LB 1068	Wednesday, February 8, 2006	1:30 p.m.
LB 1231	Wednesday, February 8, 2006	1:30 p.m.
LB 1232	Wednesday, February 8, 2006	1:30 p.m.
LB 1242	Wednesday, February 8, 2006	1:30 p.m.
LB 1248	Wednesday, February 8, 2006	1:30 p.m.
LB 1035	Thursday, February 9, 2006	1:30 p.m.
LB 1132	Thursday, February 9, 2006	1:30 p.m.
LB 1178	Thursday, February 9, 2006	1:30 p.m.
LB 1179	Thursday, February 9, 2006	1:30 p.m.
LB 1220	Thursday, February 9, 2006	1:30 p.m.
LB 1233	Thursday, February 9, 2006	1:30 p.m.
LB 790	Friday, February 10, 2006	1:30 p.m.
LB 1177	Friday, February 10, 2006	1:30 p.m.
LB 1254	Friday, February 10, 2006	1:30 p.m.
LB 952	Friday, February 10, 2006	1:30 p.m.
LB 1107	Wednesday, February 15, 2006	1:30 p.m.
LB 1148	Wednesday, February 15, 2006	1:30 p.m.

(Signed) Jim Jensen, Chairperson

General Affairs
Room 1510

LB 978	Monday, January 30, 2006	1:30 p.m.
LB 1160	Monday, January 30, 2006	1:30 p.m.
LB 1004	Monday, January 30, 2006	1:30 p.m.

Monday, January 30, 2006 1:30 p.m.
Art Thompson - Nebraska Arts Council

Joan Gibson - Nebraska Arts Council
Julie Jacobson - Nebraska Arts Council
Robin Koozer - Nebraska Arts Council
Vicki Bromm - Nebraska Arts Council
Kathleen Watson - Nebraska Arts Council

(Signed) Ray Janssen, Chairperson

Banking, Commerce and Insurance
Room 1507

LB 828	Monday, January 30, 2006	1:30 p.m.
LB 864	Monday, January 30, 2006	1:30 p.m.
LB 878	Monday, January 30, 2006	1:30 p.m.
LB 917	Tuesday, January 31, 2006	1:30 p.m.
LB 1124	Tuesday, January 31, 2006	1:30 p.m.
LB 1240	Tuesday, January 31, 2006	1:30 p.m.

(Signed) Mick Mines, Chairperson

STANDING COMMITTEE REPORTS
Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

David Hallberg - Nebraska Ethanol Board
James Jenkins - Nebraska Ethanol Board

VOTE: Aye: Senators Hudkins, Kopplin, McDonald, Schrock, Smith, Stuhr. Nay: None. Absent: Senators Kremer, Louden.

(Signed) Ed Schrock, Chairperson

Revenue

The Revenue Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

William Warnes - Tax Equalization and Review Commission

VOTE: Aye: Senators Connealy, Cornett, Janssen, Landis, Preister, Raikes and Redfield. Nay: None. Absent: Senator Baker.

(Signed) David Landis, Chairperson

Natural Resources

LEGISLATIVE BILL 805. Placed on General File.

LEGISLATIVE BILL 933. Placed on General File as amended.
Standing Committee amendment to LB 933:
AM1915

1. Insert the following new sections:

Sec. 15. Section 46-701, Reissue Revised Statutes of Nebraska, is amended to read:

46-701. Sections 46-701 to 46-753 and section 16 of this act shall be known and may be cited as the Nebraska Ground Water Management and Protection Act.

Sec. 16. The Interrelated Water Management Plan Program is created for the purpose of facilitating and funding the duties of districts arising under the Nebraska Ground Water Management and Protection Act. The program shall function as a grant program administered by the Nebraska Natural Resources Commission and the Department of Natural Resources upon recommendations of the commission using funds appropriated for the program. The commission shall develop guidelines and limitations for grant requests for funding such district's duties, including studies required to carry out those duties. Grant requests shall be made to the commission for review in a manner and form prescribed by the commission. The amounts requested and approved shall be supported by a minimum local revenue match comprising twenty percent of the total project cost. The Director of Natural Resources shall expend funds to implement the commission's recommendations for fiscal support under the program only upon the commission's approval.

2. On page 55, strike beginning with "Any" in line 23 through line 25 and insert "Any increases in the consumptive use of water by a nonmunicipal commercial or industrial water user that results in a decrease in streamflow shall be addressed by the integrated management plan pursuant to controls or incentive programs adopted pursuant to section 46-715.".

3. On page 56, strike beginning with "Any" in line 1 through line 10 and insert "Prior to January 1, 2026, any new or expanded single commercial or industrial development served by a nonmunicipal well within an area determined by the department to be fully appropriated pursuant to section 46-714 or designated as overappropriated pursuant to section 46-713 which, after the effective date of this act, commences water use resulting in the consumptive use of water in amounts greater than twenty-five million gallons annually may be subject to controls adopted pursuant to section 46-715;".

4. Amend the repealer, correct internal references, and renumber the remaining sections accordingly.

LEGISLATIVE BILL 340. Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

Revenue

LEGISLATIVE BILL 813. Placed on General File as amended.
Standing Committee amendment to LB 813:
AM1962
1. Strike original section 12.
2. On page 21, line 2, after the first comma insert "and"
and strike "and 77-5029,".
3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 942. Indefinitely postponed.
LEGISLATIVE BILL 1011. Indefinitely postponed.

(Signed) David Landis, Chairperson

GENERAL FILE

LEGISLATIVE BILL 72. Senator Chambers offered the following amendment:
FA359
Amend AM1841
P. 2, line 10, strike "that is given" and insert "issued".

Senator Chambers moved for a call of the house. The motion prevailed with 21 ayes, 2 nays, and 26 not voting.

The Chambers amendment was adopted with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 817. Placed on General File as amended.
Standing Committee amendment to LB 817:
AM1952
1. Strike the original sections and insert the following
new sections:
Section 1. Section 75-104, Reissue Revised Statutes of
Nebraska, is amended to read:
75-104. ~~Until January 9, 2003, the salary of each commissioner shall be forty-two thousand dollars. Commencing January 9, 2003~~ (1) Until January 4, 2007, the annual salary of each commissioner shall be fifty thousand dollars. Commencing

January 4, 2007, the annual salary of each commissioner shall be seventy-five thousand dollars.

(2) Each commissioner shall be entitled to receive from the state his or her mileage expenses incurred while traveling in the line of duty to and from his or her residence to the office of the Public Service Commission in Lincoln pursuant to the following conditions:

~~(1)~~ (a) The Public Service Commission has adopted and promulgated rules and regulations establishing guidelines for allowable reimbursement of such mileage expenses, except that such mileage rate shall not exceed the mileage rate established by the Department of Administrative Services pursuant to section 81-1176;

~~(2)~~ (b) The request for such reimbursement falls within such guidelines; and

~~(3)~~ (c) The total amounts authorized for such reimbursement of mileage expenses in any fiscal year does not cause the total expenses to exceed the total funds appropriated to the program established for commissioners' expenses. In addition thereto, the commissioners, executive director, clerks, and other employees of the commission shall be entitled to receive from the state their actual necessary traveling expenses, including the cost of transportation while traveling on the business of the commission, to be paid in the same manner as other requests for payment or reimbursement from the state. In computing the cost of transportation for the commissioners, executive director, clerks, and other employees, no mileage or other traveling expense shall be requested or allowed unless sections 81-1174 to 81-1177 are strictly complied with.

Sec. 2. Section 84-101.01, Revised Statutes Cumulative Supplement, 2004, is amended to read:

84-101.01. ~~Until January 9, 2003, the Governor shall receive an annual salary of sixty-five thousand dollars. Commencing January 9, 2003~~ Until January 4, 2007, the annual salary of the Governor shall be eighty-five thousand dollars. Commencing January 4, 2007, the annual salary of the Governor shall be one hundred five thousand dollars. Such salary shall be payable in equal monthly installments.

Sec. 3. Section 84-201.01, Revised Statutes Cumulative Supplement, 2004, is amended to read:

84-201.01. ~~Until January 9, 2003, the Attorney General shall receive an annual salary of sixty-four thousand five hundred dollars. Commencing January 9, 2003~~ Until January 4, 2007, the annual salary of the Attorney General shall be seventy-five thousand dollars. Commencing January 4, 2007, the annual salary of the Attorney General shall be ninety-five thousand dollars. The salary of the Attorney General shall be payable in equal monthly installments.

Sec. 4. Section 84-721, Revised Statutes Cumulative

Supplement, 2004, is amended to read:

84-721. ~~Until January 9, 2003, there shall be paid as salaries to certain constitutional officers as follows: Secretary of State, the sum of fifty-two thousand dollars per year; Auditor of Public Accounts, the sum of forty-nine thousand five hundred dollars per year; State Treasurer, the sum of forty-nine thousand five hundred dollars per year; and Lieutenant Governor, the sum of forty-seven thousand dollars per year. Commencing January 9, 2003~~ Until January 4, 2007, there shall be paid as salaries to certain constitutional officers as follows: Secretary of State, the sum of sixty-five thousand dollars per year; Auditor of Public Accounts, the sum of sixty thousand dollars per year; State Treasurer, the sum of sixty thousand dollars per year; and Lieutenant Governor, the sum of sixty thousand dollars per year. Commencing January 4, 2007, there shall be paid as salaries to certain constitutional officers as follows: Secretary of State, the sum of eighty-five thousand dollars per year; Auditor of Public Accounts, the sum of eighty-five thousand dollars per year; State Treasurer, the sum of eighty-five thousand dollars per year; and Lieutenant Governor, the sum of seventy-five thousand dollars per year. Such salaries shall be payable in equal monthly installments.

Sec. 5. Original section 75-104, Reissue Revised Statutes of Nebraska, and sections 84-101.01, 84-201.01, and 84-721, Revised Statutes Cumulative Supplement, 2004, are repealed.

(Signed) DiAnna R. Schimek, Chairperson

Natural Resources

LEGISLATIVE BILL 871. Placed on General File.
LEGISLATIVE BILL 872. Placed on General File.

LEGISLATIVE BILL 930. Indefinitely postponed.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Lawrence Bradley - Environmental Quality Council
Joseph Citta Jr. - Environmental Quality Council
Ronald Zeiger - Environmental Quality Council

VOTE: Aye: Senators Hudkins, Kopplin, McDonald, Schrock, Smith, Stuhr. Nay: None. Absent: Senators Kremer, Louden.

(Signed) Ed Schrock, Chairperson

NOTICE OF COMMITTEE HEARINGS
Education
Room 1525

Monday, February 6, 2006 1:30 p.m.
Dick Davis - Coordinating Commission for Postsecondary Education
Marilyn Harris - Coordinating Commission for Postsecondary Education
James Strand - Coordinating Commission for Postsecondary Education

LB 1093	Monday, February 13, 2006	1:30 p.m.
LB 1203	Monday, February 13, 2006	1:30 p.m.
LB 1208	Monday, February 13, 2006	1:30 p.m.
LB 1211	Monday, February 13, 2006	1:30 p.m.
LB 1247	Monday, February 13, 2006	1:30 p.m.
LB 987	Tuesday, February 14, 2006	1:30 p.m.
LB 1090	Tuesday, February 14, 2006	1:30 p.m.
LB 1194	Tuesday, February 14, 2006	1:30 p.m.
LB 1204	Tuesday, February 14, 2006	1:30 p.m.
LB 1213	Tuesday, February 14, 2006	1:30 p.m.
LB 797	Tuesday, February 21, 2006	1:30 p.m.
LB 962	Tuesday, February 21, 2006	1:30 p.m.
LB 1256	Tuesday, February 21, 2006	1:30 p.m.

Tuesday, February 21, 2006 1:30 p.m.
Charles Ward - Board of Educational Lands and Funds
Review Revised Comprehensive Statewide Plan for Postsecondary Education pursuant to §85-1413(8)

LB 839	Monday, February 27, 2006	1:30 p.m.
LB 1119	Monday, February 27, 2006	1:30 p.m.
LR 253CA	Monday, February 27, 2006	1:30 p.m.

(Signed) Ron Raikes, Chairperson

GENERAL FILE

LEGISLATIVE BILL 72. Senator Chambers offered the following amendment:
FA360
Amend AM1841
P. 2, line 10 after "the" insert "successful"

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment:
FA361
Amend AM1841

P. 2, lines 5-6 strike "human and physical resources" and insert "persons and property".

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 3 nays, and 24 not voting.

The Chambers amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:
FA362
Amend AM1841
P. 2, line 5 strike "mean" and insert "means"

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 280. Introduced by Howard, 9; Aguilar, 35; Byars, 30; Connealy, 16; Cornett, 45; Cunningham, 40; Flood, 19; Kopplin, 3; Kruse, 13; McDonald, 41; Preister, 5; Price, 26; Raikes, 25; Redfield, 12; Schrock, 38; Stuthman, 22; Thompson, 14.

WHEREAS, Nebraska has numerous cultures that have contributed to form the rich mosaic of life in Nebraska; and

WHEREAS, Nebraska schools should provide opportunities for school children to explore Nebraska's rich and diverse cultures; and

WHEREAS, Nebraska celebrates its admission to the Union on Statehood Day each March 1; and

WHEREAS, students should be encouraged to showcase their heritage and to present the unique and colorful facets of their family's history.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the week of February 27 through March 5, 2006, is declared Nebraska Heritage Week.

2. That during that week schools are encouraged to provide school celebrations, assemblies, and programs that focus on the cultures represented in the school, the community, and the state.

3. That students are encouraged to showcase their heritage and to present unique and colorful facets of their family's history.

Laid over.

AMENDMENT - Print in Journal

Senator Landis filed the following amendment to LB 693:
(Amendment, AM1957, is printed separately and available in the Bill Room,

Room 1104.)

MOTION - Print in Journal

Senator Flood filed the following motion to LB 588:
Pursuant to Rule 6, Section 8(b)(1), to recommit LB 588 to Enrollment and Review to replace Sections 77-2711 and 77-27,119, which were amended in 2005, and for reengrossment.

AMENDMENT - Print in Journal

Senator Beutler filed the following amendment to LB 32:
AM1696

1. Insert the following new section:
Sec. 2. No water well constructed after January 1, 2001, in a river basin or part of a river basin that has been the subject of litigation over an interstate compact or decree in which the State of Nebraska was a named defendant shall be allowed to pump any water after January 1, 2007, until such time as determined by the Department of Water Resources. The department may determine the level of all future pumping after January 1, 2007.
2. Renumber the remaining section accordingly.

MOTION - Print in Journal

Senator Flood filed the following motion to LB 779:
Withdraw LB 779.

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

The Nebraska Retirement Systems Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Glenn Camerer - Public Employees Retirement Board
John Maginn - Nebraska Investment Council
Richard Wassinger - Public Employees Retirement Board

VOTE: Aye: Senators Bourne, Erdman, D. Pederson, Price, Stuhr and Synowiecki. Nay: None. Absent: None.

(Signed) Elaine Stuhr, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Dw. Pedersen asked unanimous consent to add his name as cointroducer to LB 825. No objections. So ordered.

Senator Mines asked unanimous consent to add his name as cointroducer to LB 1148. No objections. So ordered.

VISITORS

Visitors to the Chamber were students from Lewis and Clark School, Omaha; Aaron Wyatt from Ft. Riley, Kansas; five junior and senior high school students and escorts from Brazil; students and teachers from Syracuse and Johnson-Brock; and students and teachers from Buffett Middle School, Omaha.

The Doctor of the Day was Dr. Sandy Baumberger from Fremont.

ADJOURNMENT

At 11:59 a.m., on a motion by Speaker Brashear, the Legislature adjourned until 9:00 a.m., Tuesday, January 24, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FOURTEENTH DAY - JANUARY 24, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 24, 2006

PRAYER

The prayer was offered by Pastor Tom Swartley, First Christian Church, Elm Creek.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Brown, Connealy, Cunningham, Engel, Dw. Pedersen, and Thompson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirteenth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 548.

ER9060

Enrollment and Review Change to LB 548

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Schrock-Beutler amendment, AM1864, on page 9, line 14, "or" has been struck and "of" inserted.

2. On page 1, the matter beginning with "health" in line 1 through line 9 and all amendments thereto have been struck and "public entities; to adopt the Public Entities Mandated Project Charges Act; and to provide severability." inserted.

(Signed) Michael J. Flood, Chairperson

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 778. Placed on General File.
LEGISLATIVE BILL 819. Placed on General File.
LEGISLATIVE BILL 985. Placed on General File.

(Signed) Mick Mines, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 281. Introduced by Flood, 19.

WHEREAS, Thomas C. Kennedy was born October 12, 1914, in Genoa, Nebraska; and

WHEREAS, Thomas C. Kennedy married Miss LaVern Kamrath on November 7, 1934; and

WHEREAS, Thomas C. Kennedy is the father of three children: Joan, Bonnie, and Kimberlee; and

WHEREAS, Thomas C. Kennedy was a farmer and businessman in Newman Grove, Nebraska; and

WHEREAS, Thomas C. Kennedy represented Madison County and southern Pierce County in the Nebraska Legislature from 1969 to 1981 and was chairperson of the Public Health and Welfare Committee of the Legislature from 1971 to 1976; and

WHEREAS, Thomas C. Kennedy was a community activist and supporter as past president of the Newman Grove School Board, past president of the Newman Grove Area Industrial Development Corporation, and a lifetime member of the Methodist Church and Church Board of Trustees.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Thomas C. Kennedy be honored for his life and public service to Nebraska and Madison County.

2. That the family of Thomas C. Kennedy be joined by the citizens of Madison County, the Nebraska Legislature, and the State of Nebraska in celebrating the life of their beloved husband and father.

Laid over.

NOTICE OF COMMITTEE HEARINGS
Health and Human Services
Room 1510

Wednesday, February 15, 2006 1:30 p.m.
Ronald Balthazor - Board of Emergency Medical Services
Bruce Beins - Board of Emergency Medical Services
John W. Doyle - Board of Emergency Medical Services
Dan Hakel - Board of Emergency Medical Services
Val Snyder - Board of Emergency Medical Services
George Tom Surber - Board of Emergency Medical Services
Jennie Cole-Mossman - Child Abuse Prevention Fund Board
Angela Wagner - Child Abuse Prevention Fund Board
Linda Broderick - State Foster Care Review Board
Larry Brown - State Foster Care Review Board
James Gordon - State Foster Care Review Board
Gene Klein - State Foster Care Review Board
Joellen McGinn - State Foster Care Review Board
Judy Meter - State Foster Care Review Board
Mary Jo Pankoke - State Foster Care Review Board
Mario Scalora - State Foster Care Review Board
Gerald Schenck - State Foster Care Review Board
Georgina Scurfield - State Foster Care Review Board
Burrell Williams - State Foster Care Review Board

Wednesday, February 22, 2006 1:30 p.m.
James Devaney - Commission for the Deaf and Hard of Hearing
Kenya Taylor - Commission for the Deaf and Hard of Hearing
Darrell Walla - Commission for the Blind and Visually Impaired
Nancy Oltman - Commission for the Blind and Visually Impaired
Janet Coleman - State Board of Health
Linda Heiden - State Board of Health
Russell Hopp - State Board of Health
Pamela List - State Board of Health
Roger Reamer - State Board of Health
Robert Sandstrom - State Board of Health
Leslie Spry - State Board of Health
Daryl Wills - State Board of Health

(Signed) Jim Jensen, Chairperson

Nebraska Retirement Systems
Room 1525

LB 1019	Tuesday, January 31, 2006	12:15 p.m.
LB 1140	Tuesday, January 31, 2006	12:15 p.m.

(Signed) Elaine Stuhr, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LR 275CA	Urban Affairs (rereferred)

(Signed) Pat Engel, Chairperson
Legislative Council, Executive Board

MOTION - Approve Appointments

Senator Jensen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 420:

Chief Medical Officer and Director of Regulation and Licensure
Joann Schaefer
Behavioral Health Administrator
Ron Sorensen

Voting in the affirmative, 32:

Aguilar	Combs	Howard	McDonald	Stuhr
Baker	Cudaback	Janssen	Mines	Stuthman
Beutler	Erdman	Jensen	Pahls	Synowiecki
Brashear	Fischer	Johnson	Pederson, D.	Wehrbein
Burling	Flood	Kopplin	Price	
Byars	Friend	Landis	Schimek	
Chambers	Heidemann	Louden	Schrock	

Voting in the negative, 0.

Present and not voting, 12:

Bourne	Foley	Kruse	Raikes
Cornett	Hudkins	Langemeier	Redfield
Engel	Kremer	Preister	Smith

Excused and not voting, 5:

Brown	Connealy	Cunningham	Pedersen, Dw.	Thompson

The appointments were confirmed with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

MOTION - Withdraw LB 779

Senator Flood renewed his pending motion, found on page 441, to withdraw LB 779.

The Flood motion to withdraw prevailed with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

WITHDRAW - Amendment to LB 588

Senator Beutler withdrew his pending amendment, FA180, found on page 1278, First Session, 2005, to LB 588.

MOTION - Recommit LB 588 to Enrollment and Review

Senator Flood renewed his pending motion, found on page 441, pursuant to Rule 6, Section 8(b)(1), to recommit LB 588 to Enrollment and Review to replace Sections 77-2711 and 77-27,119, which were amended in 2005, and for reengrossment.

The Flood motion to recommit prevailed with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

WITHDRAW - Amendments to LB 693

Senator Beutler withdrew his pending amendment, AM1753, found on page 1832, First Session, 2005, to LB 693.

Senator Landis withdrew his pending amendment, AM1805, printed separately and referred to on page 414, to LB 693.

MOTION - Return LB 693 to Select File

Senator Landis moved to return LB 693 to Select File for his specific pending amendment, AM1957, printed separately and referred to on page 440.

The Landis motion to return prevailed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 693. The Landis specific pending amendment, AM1957, printed separately and referred to on page 440, was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 282. Introduced by Louden, 49.

WHEREAS, James Monahan of Hyannis, Nebraska, has been a cattle rancher for many years, during which time he has actively supported the

Nebraska beef cattle industry; and

WHEREAS, in recognition of his extraordinary contributions to the industry, his community, and the cattle business, the Nebraska Cattlemen selected Mr. Monahan for induction into the Nebraska Cattlemen Hall of Fame in 2005.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates James Monahan on his induction into the Nebraska Cattlemen Hall of Fame.

2. That a copy of this resolution be sent to Mr. Monahan.

Laid over.

LEGISLATIVE RESOLUTION 283. Introduced by Louden, 49.

WHEREAS, Gerri Monahan of Lincoln, Nebraska, has devoted time, talent, and effort to the Nebraska CattleWomen, an organization which supports the Nebraska beef industry and promotes beef and beef products through consumer education; and

WHEREAS, Ms. Monahan has been named the Nebraska CattleWoman of the Year for 2005, an award that recognizes her extraordinary contributions to the Nebraska CattleWomen through her membership in the organization.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Gerri Monahan on her selection as Nebraska CattleWoman of the Year for 2005.

2. That a copy of this resolution be sent to Ms. Monahan.

Laid over.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 788. Indefinitely postponed.
LEGISLATIVE BILL 920. Indefinitely postponed.
LEGISLATIVE BILL 1013. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources
Room 1525

LB 1109	Wednesday, February 1, 2006	1:30 p.m.
LB 1195	Wednesday, February 1, 2006	1:30 p.m.
LB 1214	Wednesday, February 1, 2006	1:30 p.m.

Wednesday, February 1, 2006 1:30 p.m.
Mark Czaplewski - Environmental Quality Council

LB 1164	Thursday, February 2, 2006	1:30 p.m.
LB 1099	Thursday, February 2, 2006	1:30 p.m.
LB 1156	Thursday, February 2, 2006	1:30 p.m.
LB 1147	Thursday, February 2, 2006	1:30 p.m.

Thursday, February 2, 2006 1:30 p.m.
Michael Griffin - Environmental Quality Council

(Signed) Ed Schrock, Chairperson

Judiciary
Room 1113

LB 768	Wednesday, February 1, 2006	1:30 p.m.
LB 794	Wednesday, February 1, 2006	1:30 p.m.
LB 1092	Wednesday, February 1, 2006	1:30 p.m.
LB 1108	Wednesday, February 1, 2006	1:30 p.m.
LB 1120	Wednesday, February 1, 2006	1:30 p.m.
LB 1223	Wednesday, February 1, 2006	1:30 p.m.
LB 1115	Thursday, February 2, 2006	1:30 p.m.
LB 1133	Thursday, February 2, 2006	1:30 p.m.
LB 1135	Thursday, February 2, 2006	1:30 p.m.
LB 1136	Thursday, February 2, 2006	1:30 p.m.
LB 1137	Thursday, February 2, 2006	1:30 p.m.
LB 1150	Thursday, February 2, 2006	1:30 p.m.
LB 886	Wednesday, February 8, 2006	1:30 p.m.
LB 1113	Wednesday, February 8, 2006	1:30 p.m.
LB 1144	Wednesday, February 8, 2006	1:30 p.m.
LB 1188	Wednesday, February 8, 2006	1:30 p.m.
LB 1196	Wednesday, February 8, 2006	1:30 p.m.
LB 1224	Wednesday, February 8, 2006	1:30 p.m.
LB 1263	Wednesday, February 8, 2006	1:30 p.m.
LB 1009	Thursday, February 9, 2006	1:30 p.m.
LB 1075	Thursday, February 9, 2006	1:30 p.m.
LB 1101	Thursday, February 9, 2006	1:30 p.m.
LB 1146	Thursday, February 9, 2006	1:30 p.m.
LR 274CA	Thursday, February 9, 2006	1:30 p.m.

Thursday, February 9, 2006 1:30 p.m.
Rosalyn R. Cotton - Board of Parole
Miguel Gomez - Board of Parole

LB 905	Friday, February 10, 2006	1:30 p.m.
LB 936	Friday, February 10, 2006	1:30 p.m.

LB 1040	Friday, February 10, 2006	1:30 p.m.
LB 1072	Friday, February 10, 2006	1:30 p.m.
LB 1149	Friday, February 10, 2006	1:30 p.m.
LB 1163	Friday, February 10, 2006	1:30 p.m.
LB 1260	Friday, February 10, 2006	1:30 p.m.
LB 799	Wednesday, February 15, 2006	1:30 p.m.
LB 910	Wednesday, February 15, 2006	1:30 p.m.
LB 924	Wednesday, February 15, 2006	1:30 p.m.
LB 1252	Wednesday, February 15, 2006	1:30 p.m.
LB 767	Thursday, February 16, 2006	1:30 p.m.
LB 793	Thursday, February 16, 2006	1:30 p.m.
LB 863	Thursday, February 16, 2006	1:30 p.m.
LB 867	Thursday, February 16, 2006	1:30 p.m.
LB 963	Thursday, February 16, 2006	1:30 p.m.
LB 1199	Thursday, February 16, 2006	1:30 p.m.
LB 1205	Thursday, February 16, 2006	1:30 p.m.
LB 1210	Thursday, February 16, 2006	1:30 p.m.
LB 842	Wednesday, February 22, 2006	1:30 p.m.
LB 1047	Wednesday, February 22, 2006	1:30 p.m.
LB 1070	Wednesday, February 22, 2006	1:30 p.m.
LB 1180	Wednesday, February 22, 2006	1:30 p.m.
LB 1181	Wednesday, February 22, 2006	1:30 p.m.
LB 1253	Wednesday, February 22, 2006	1:30 p.m.
LB 782	Thursday, February 23, 2006	1:30 p.m.
LB 914	Thursday, February 23, 2006	1:30 p.m.
LB 984	Thursday, February 23, 2006	1:30 p.m.
LB 1114	Thursday, February 23, 2006	1:30 p.m.
LB 1153	Thursday, February 23, 2006	1:30 p.m.
LB 1200	Thursday, February 23, 2006	1:30 p.m.
LB 1257	Thursday, February 23, 2006	1:30 p.m.
LR 254CA	Thursday, February 23, 2006	1:30 p.m.
LB 954	Friday, February 24, 2006	1:30 p.m.
LB 1026	Friday, February 24, 2006	1:30 p.m.
LB 1078	Friday, February 24, 2006	1:30 p.m.
LB 1169	Friday, February 24, 2006	1:30 p.m.
LB 1190	Friday, February 24, 2006	1:30 p.m.
LB 1227	Friday, February 24, 2006	1:30 p.m.

(Signed) Patrick J. Bourne, Chairperson

Executive Board
Room 2102

LB 1141	Friday, February 10, 2006	12:00 p.m.

LB 939	Friday, February 10, 2006	12:00 p.m.
LB 956	Friday, February 10, 2006	12:00 p.m.

(Signed) L. Patrick Engel, Chairperson

Appropriations
Room 1003

Tuesday, January 31, 2006 1:30 p.m.
AGENCY 5 - Supreme Court and State Court Administrator
AGENCY 9 - Secretary of State
AGENCY 13 - Department of Education
AGENCY 34 - Library Commission
AGENCY 54 - State Historical Society

Wednesday, February 1, 2006 1:30 p.m.
AGENCY 24 - Department of Motor Vehicles
AGENCY 31 - Military Department
AGENCY 41 - State Real Estate Commission
AGENCY 57 - Oil and Gas Conservation Commission
AGENCY 59 - Board of Geologists
AGENCY 29 - Department of Natural Resources

LB 1077	Wednesday, February 1, 2006	1:30 p.m.

Thursday, February 2, 2006 1:30 p.m.
AGENCY 14 - Public Service Commission
AGENCY 16 - Department of Revenue
AGENCY 93 - Tax Equalization and Review Commission

LB 1229	Thursday, February 2, 2006	1:30 p.m.

(Signed) Don Pederson, Chairperson

Urban Affairs
Room 1510

LB 1249	Tuesday, January 31, 2006	1:30 p.m.
LB 1241	Tuesday, January 31, 2006	1:30 p.m.
LB 1112	Tuesday, January 31, 2006	1:30 p.m.
LB 1173	Tuesday, January 31, 2006	1:30 p.m.
LB 1234	Tuesday, January 31, 2006	1:30 p.m.
LR 272CA	Tuesday, January 31, 2006	1:30 p.m.
LR 275CA	Tuesday, January 31, 2006	1:30 p.m.

(Signed) Mike Friend, Chairperson

AMENDMENTS - Print in Journal

Senator Stuhr filed the following amendment to LB 366:
(Amendment, AM1958, is printed separately and available in the Bill Room, Room 1104.)

Senator Stuhr filed the following amendment to LB 366:
AM1959
1. On page 7, line 6, strike "2006" and insert "2007".

GENERAL FILE

LEGISLATIVE BILL 875. Title read. Considered.

The Standing Committee amendment, AM1901, found on page 407, was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, and 16 present and not voting.

STANDING COMMITTEE REPORTS
Transportation and Telecommunications

LEGISLATIVE BILL 801. Placed on General File.

LEGISLATIVE BILL 909. Indefinitely postponed.

(Signed) Tom Baker, Chairperson

Revenue

LEGISLATIVE BILL 1003. Placed on General File as amended.
(Standing Committee amendment, AM1935, is printed separately and available in the Bill Room, Room 1104.)

(Signed) David Landis, Chairperson

NOTICE OF COMMITTEE HEARINGS
Revenue
Room 1524

LB 849	Wednesday, February 1, 2006	1:30 p.m.
LB 943	Wednesday, February 1, 2006	1:30 p.m.
LB 968	Wednesday, February 1, 2006	1:30 p.m.
LB 1239	Wednesday, February 1, 2006	1:30 p.m.
LB 831	Wednesday, February 1, 2006	1:30 p.m.
LB 798	Wednesday, February 1, 2006	1:30 p.m.
LB 809	Wednesday, February 1, 2006	1:30 p.m.

LB 775	Thursday, February 2, 2006	1:30 p.m.
LB 959	Thursday, February 2, 2006	1:30 p.m.
LB 967	Thursday, February 2, 2006	1:30 p.m.
LB 806	Thursday, February 2, 2006	1:30 p.m.
LB 1183	Thursday, February 2, 2006	1:30 p.m.
LB 808	Thursday, February 2, 2006	1:30 p.m.

(Signed) David Landis, Chairperson

GENERAL FILE

LEGISLATIVE BILL 32. Senator Beutler withdrew his pending amendment, FA76, found on page 735, First Session, 2005.

Senator Beutler renewed his pending amendment, AM1696, found on page 441.

SPEAKER BRASHEAR PRESIDING

Pending.

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 845. Placed on General File.
LEGISLATIVE BILL 889. Placed on General File.

LEGISLATIVE BILL 785. Indefinitely postponed.
LEGISLATIVE BILL 948. Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

AMENDMENT - Print in Journal

Senator Chambers filed the following amendment to LB 32:
FA371
P. 2, line 3 strike "compensated" and show as stricken, and insert "reimbursed"; and in line 11 strike "compensation" and show as stricken, and insert "reimbursement".

UNANIMOUS CONSENT - Add Cointroducer

Senator Kremer asked unanimous consent to add his name as cointroducer to LB 957. No objections. So ordered.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 268, 269, 270, and 271 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 268, 269, 270, and 271.

VISITOR

The Doctor of the Day was Dr. Weiss from Lincoln.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Cudaback, the Legislature adjourned until 9:00 a.m., Wednesday, January 25, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTEENTH DAY - JANUARY 25, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 25, 2006

PRAYER

The prayer was offered by Pastor Roger Sloan, Church of Christ, Cozad.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Brown, Cornett, and McDonald who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourteenth day was approved.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 877. Placed on General File.
LEGISLATIVE BILL 927. Placed on General File.

LEGISLATIVE BILL 928. Indefinitely postponed.

(Signed) Mick Mines, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 853. Placed on General File as amended.
(Standing Committee amendment, AM1986, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Tom Baker, Chairperson

Natural Resources

LEGISLATIVE BILL 776. Placed on General File as amended.
Standing Committee amendment to LB 776:
AM1951

1. Strike the original sections and insert the following new sections:

Section 1. Section 13-2039, Revised Statutes Cumulative Supplement, 2004, is amended to read:

13-2039. ~~(1) Land disposal of yard waste is prohibited from April 1 through November 30 of each year, except that yard waste which has been separated at its source from other solid waste may be accepted by a landfill for the purpose of soil conditioning or composting.~~ (1)(a) A landfill may accept yard waste without condition from December 1 through March 31 of each year.

(b) A landfill may accept yard waste year-round if such yard waste:

(i) Will be used for the production and recovery of methane gas for use as fuel (A) with the approval of the department and (B) at a landfill operating as a solid waste management facility with a permit issued pursuant to the department's rules and regulations; or

(ii) Has been separated at its source from other solid waste and will be used for the purpose of soil conditioning or composting.

(c) State and local governmental entities responsible for the maintenance of public lands shall give preference to the use of composted materials in all land maintenance activities. This section does not prohibit the use of yard waste as land cover or as soil-conditioning material.

(2) Land disposal of lead-acid batteries and waste oil is prohibited.

(3)(a) Land disposal of waste tires in any form is prohibited except tires that are nonrecyclable. For purposes of this subsection, nonrecyclable tire means a press-on solid tire, a solid pneumatic shaped tire, or a foam pneumatic tire.

(b) On and after September 1, 2003, placing or causing the placement or disposal of scrap tires in any form into the waters of the state is prohibited except as provided in section 13-2033.

(c) Tires are not considered disposed if they are (i) processed into crumb rubber form and reused or recycled in manufactured products such as, but not limited to, products used for schools, playgrounds, and residential, lawn, and garden applications, (ii) used as tire-derived fuel, (iii) retreaded, (iv) processed into chip or shred form and used as drainage media in landfill construction or septic drain fields, (v) used as a raw material in steelmaking, or (vi) processed into shred form and used as an alternative daily cover in a landfill or for a civil

engineering project if such project is designed and constructed in compliance with the Engineers and Architects Regulation Act and prior approval for such project is obtained from the department by the tire shredder and the end user, except that departmental approval is not necessary for a tire project involving three thousand five hundred or fewer passenger tire equivalents of waste tires if the department receives notification of the project not later than thirty days prior to any construction on such project. The notification shall contain the name and address of the tire shredder and end user, the location of the project, a description of the type of project, the number of passenger tire equivalents of waste tires to be used, and any additional information the council determines is necessary to accomplish the purposes of the Integrated Solid Waste Management Act.

(4) Land disposal of discarded household appliances is prohibited.

(5) Land disposal of unregulated hazardous wastes, except household hazardous wastes, which are exempt from the regulations under the Environmental Protection Act is prohibited unless such disposal occurs at a licensed hazardous waste disposal facility.

(6) For purposes of this section, land disposal shall include, but not be limited to, incineration at a landfill.

Sec. 2. Original section 13-2039, Revised Statutes Cumulative Supplement, 2004, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.

LEGISLATIVE BILL 870. Placed on General File as amended.
Standing Committee amendment to LB 870:
AM1950

1. On page 4, line 9, after "processing" insert ", including processing related to tire-derived fuel,".

(Signed) Ed Schrock, Chairperson

ANNOUNCEMENT

The Banking, Commerce and Insurance Committee designates LB 876 as its priority bill.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs
Room 1507

LB 940	Wednesday, February 1, 2006	1:30 p.m.
LB 955	Wednesday, February 1, 2006	1:30 p.m.
LB 979	Wednesday, February 1, 2006	1:30 p.m.
LB 981	Wednesday, February 1, 2006	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

Natural Resources
Room 1525

LB 1098 Wednesday, February 1, 2006 1:30 p.m.

(Signed) Ed Schrock, Chairperson

MOTIONS - Approve Appointments

Senator Schrock moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 434:
Nebraska Ethanol Board
David Hallberg
James Jenkins

Voting in the affirmative, 35:

Aguilar	Cornett	Hudkins	Louden	Schrock
Baker	Cudaback	Janssen	McDonald	Smith
Bourne	Cunningham	Johnson	Pahls	Stuhr
Brashear	Erdman	Kremer	Pedersen, Dw.	Stuthman
Burling	Fischer	Kruse	Pederson, D.	Synowiecki
Chambers	Friend	Landis	Price	Thompson
Combs	Heidemann	Langemeier	Redfield	Wehrbein

Voting in the negative, 0.

Present and not voting, 10:

Beutler	Connealy	Foley	Mines	Raikes
Byars	Engel	Howard	Preister	Schimek

Excused and not voting, 4:

Brown	Flood	Jensen	Kopplin

The appointments were confirmed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Senator Landis moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 434:
Tax Equalization and Review Commission
William Warnes

Voting in the affirmative, 38:

Aguilar	Connealy	Friend	Louden	Smith
Baker	Cornett	Heidemann	McDonald	Stuhr
Bourne	Cudaback	Howard	Pahls	Stuthman
Brashear	Cunningham	Hudkins	Pedersen, Dw.	Synowiecki
Burling	Engel	Janssen	Pederson, D.	Thompson
Byars	Erdman	Kopplin	Preister	Wehrbein
Chambers	Fischer	Kruse	Redfield	
Combs	Flood	Landis	Schrock	

Voting in the negative, 0.

Present and not voting, 9:

Beutler	Johnson	Langemeier	Price	Schimek
Foley	Kremer	Mines	Raikes	

Excused and not voting, 2:

Brown	Jensen

The appointment was confirmed with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Senator Schrock moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 438:

Environmental Quality Council
Lawrence Bradley
Joseph Citta Jr.
Ronald Zeiger

Voting in the affirmative, 39:

Aguilar	Engel	Janssen	Pahls	Schrock
Baker	Erdman	Johnson	Pedersen, Dw.	Smith
Bourne	Fischer	Kopplin	Pederson, D.	Stuhr
Byars	Flood	Kremer	Preister	Stuthman
Chambers	Friend	Kruse	Price	Synowiecki
Combs	Heidemann	Landis	Raikes	Thompson
Cudaback	Howard	Louden	Redfield	Wehrbein
Cunningham	Hudkins	McDonald	Schimek	

Voting in the negative, 0.

Present and not voting, 9:

Beutler	Brown	Connealy	Foley	Mines
Brashear	Burling	Cornett	Langemeier	

Excused and not voting, 1:

Jensen

The appointments were confirmed with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Senator Stuhr moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 441:
Nebraska Investment Council
John Maginn
Public Employees Retirement Board
Glenn Camerer
Richard Wassinger

Senator Stuhr requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:
Senator Stuhr moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 441:
Nebraska Investment Council
John Maginn

Voting in the affirmative, 30:

Aguilar	Cudaback	Janssen	Pedersen, Dw.	Schrock
Baker	Engel	Johnson	Pederson, D.	Smith
Bourne	Erdman	Kremer	Preister	Stuhr
Byars	Fischer	Landis	Price	Stuthman
Chambers	Heidemann	Langemeier	Raikes	Synowiecki
Combs	Hudkins	Louden	Redfield	Wehrbein

Voting in the negative, 0.

Present and not voting, 17:

Beutler	Connealy	Foley	McDonald	Thompson
Brashear	Cornett	Friend	Mines	
Brown	Cunningham	Howard	Pahls	
Burling	Flood	Kopplin	Schimek	

Excused and not voting, 2:

Jensen	Kruse

The appointment was confirmed with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

The second division is as follows:
Senator Stuhr moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 441:

Public Employees Retirement Board
Glenn Camerer
Richard Wassinger

Voting in the affirmative, 31:

Aguilar	Cudaback	Janssen	Preister	Stuthman
Baker	Engel	Johnson	Raikes	Synowiecki
Bourne	Erdman	Kopplin	Redfield	Wehrbein
Byars	Fischer	Kremer	Schimek	
Combs	Flood	Langemeier	Schrock	
Connealy	Heidemann	Louden	Smith	
Cornett	Hudkins	Pederson, D.	Stuhr	

Voting in the negative, 0.

Present and not voting, 16:

Beutler	Chambers	Howard	Pahls
Brashear	Cunningham	Landis	Pedersen, Dw.
Brown	Foley	McDonald	Price
Burling	Friend	Mines	Thompson

Excused and not voting, 2:

Jensen	Kruse

The appointments were confirmed with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Revenue
Room 1524

LB 960	Wednesday, February 8, 2006	1:30 p.m.
LB 912	Wednesday, February 8, 2006	1:30 p.m.
LB 1051	Wednesday, February 8, 2006	1:30 p.m.
LB 1073	Wednesday, February 8, 2006	1:30 p.m.
LB 1255	Wednesday, February 8, 2006	1:30 p.m.
LB 1171	Wednesday, February 8, 2006	1:30 p.m.
LB 1201	Wednesday, February 8, 2006	1:30 p.m.

LB 990	Thursday, February 9, 2006	1:30 p.m.
LB 1027	Thursday, February 9, 2006	1:30 p.m.
LB 1134	Thursday, February 9, 2006	1:30 p.m.
LB 1105	Thursday, February 9, 2006	1:30 p.m.
LB 1130	Thursday, February 9, 2006	1:30 p.m.
LR 262CA	Thursday, February 9, 2006	1:30 p.m.
LB 1046	Friday, February 10, 2006	1:30 p.m.
LB 1189	Friday, February 10, 2006	1:30 p.m.
LB 1055	Friday, February 10, 2006	1:30 p.m.
LB 1139	Friday, February 10, 2006	1:30 p.m.
LB 840	Friday, February 10, 2006	1:30 p.m.
LB 814	Wednesday, February 15, 2006	1:30 p.m.
LB 829	Wednesday, February 15, 2006	1:30 p.m.
LB 977	Wednesday, February 15, 2006	1:30 p.m.
LB 1198	Wednesday, February 15, 2006	1:30 p.m.
LB 1217	Wednesday, February 15, 2006	1:30 p.m.
LB 1033	Wednesday, February 15, 2006	1:30 p.m.
LB 1080	Thursday, February 16, 2006	1:30 p.m.
LB 1159	Thursday, February 16, 2006	1:30 p.m.
LB 1064	Thursday, February 16, 2006	1:30 p.m.
LB 1216	Thursday, February 16, 2006	1:30 p.m.
LB 976	Wednesday, February 22, 2006	1:30 p.m.
LB 945	Wednesday, February 22, 2006	1:30 p.m.
LB 992	Wednesday, February 22, 2006	1:30 p.m.
LB 1005	Wednesday, February 22, 2006	1:30 p.m.
LB 1010	Wednesday, February 22, 2006	1:30 p.m.
LB 1042	Thursday, February 23, 2006	1:30 p.m.
LB 1043	Thursday, February 23, 2006	1:30 p.m.
LB 1165	Thursday, February 23, 2006	1:30 p.m.
LB 1166	Thursday, February 23, 2006	1:30 p.m.
LB 1251	Thursday, February 23, 2006	1:30 p.m.
LB 857	Wednesday, March 1, 2006	1:30 p.m.
LB 904	Wednesday, March 1, 2006	1:30 p.m.
LB 935	Wednesday, March 1, 2006	1:30 p.m.
LB 911	Wednesday, March 1, 2006	1:30 p.m.
LB 1206	Wednesday, March 1, 2006	1:30 p.m.
LB 1209	Wednesday, March 1, 2006	1:30 p.m.
LB 1212	Thursday, March 2, 2006	1:30 p.m.
LB 1087	Thursday, March 2, 2006	1:30 p.m.
LB 1221	Thursday, March 2, 2006	1:30 p.m.
LB 781	Thursday, March 2, 2006	1:30 p.m.

LB 995 Thursday, March 2, 2006 1:30 p.m.

(Signed) David Landis, Chairperson

MOTION - Print in Journal

Senator Beutler filed the following motion to LB 930:
Place LB 930 on General File notwithstanding the action of the committee, pursuant to Rule 3, Section 17.

RESOLUTIONS

LEGISLATIVE RESOLUTION 284. Introduced by Aguilar, 35.

WHEREAS, Ralph Kelly served in the Nebraska Legislature from 1973 to 1980 representing the 35th District; and

WHEREAS, Ralph Kelly served his community of Grand Island as a business leader and community supporter; and

WHEREAS, Ralph Kelly was dedicated to his family and involved with his church; and

WHEREAS, Ralph Kelly won the respect and admiration of the people he mentored in public service.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. The members of the Nebraska Legislature express their condolences to his family.

2. That a copy of this resolution be sent to the family of Ralph Kelly.

Laid over.

LEGISLATIVE RESOLUTION 285. Introduced by Smith, 48; Aguilar, 35; Baker, 44; Burling, 33; Combs, 32; Cudaback, 36; Cunningham, 40; Erdman, 47; Fischer, 43; Johnson, 37; Kremer, 34; Louden, 49; McDonald, 41; D. Pederson, 42; Stuhr, 24; Stuthman, 22.

WHEREAS, Virginia Smith, formerly of Chappell, Nebraska, was born June 30, 1911, on a farm near Randolph, Iowa. Mrs. Smith graduated from high school in Shenandoah, Iowa, at the age of fifteen, and graduated from the University of Nebraska in 1936; and

WHEREAS, Mrs. Smith married Mr. Haven Smith in 1931, and they owned and operated a wheat farm near Chappell; and

WHEREAS, Mrs. Smith was a board member of the American Farm Bureau and Chairwoman of the International Farm Bureau Women. Mrs. Smith was elected to the U. S. House of Representatives in 1974, and served Nebraska's third congressional district from 1975 to 1991; and

WHEREAS, as a member of the U. S. House of Representatives, Mrs. Smith was the only Nebraska woman ever elected to a full term in Congress. She was a member of the House Appropriations Committee and became the

senior Republican woman in Congress. Mrs. Smith travelled the large third congressional district extensively, visiting each county in the district at least once each year; and

WHEREAS, Mrs. Smith was a supporter of education, farming, water development programs, animal research, and genetic research; and

WHEREAS, Mrs. Smith had abundant energy and a gift for public speaking which she used well while serving her rural Nebraska district; and

WHEREAS, Mrs. Smith retired from Congress in 1991 and moved to Sun City West, Arizona, where she led a drive to get the community its first post office; and

WHEREAS, Virginia Smith died Monday, January 23, 2006, at the age of 94. She was preceded in death by her husband, who died in 1997.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the State of Nebraska mourns the death of Virginia Smith and recognizes her many years of service to the people of this state.

Laid over.

AMENDMENT - Print in Journal

Senator Stuhr filed the following amendment to LB 366:
(Amendment, AM1989, is printed separately and available in the Bill Room, Room 1104.)

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 764 and 765.

(Signed) Michael Flood, Chairperson

GENERAL FILE

LEGISLATIVE BILL 32. Senator Beutler renewed his pending amendment, AM1696, found on page 441 and considered on page 453.

Senator Beutler withdrew his amendment.

Senator Chambers renewed his pending amendment, FA371, found on page 453.

The Chambers amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 508. Title read. Considered.

Senator Beutler withdrew his pending amendment, FA77, found on page 735, First Session, 2005.

Advanced to E & R for review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS
Agriculture

LEGISLATIVE BILL 916. Placed on General File.

(Signed) Bob Kremer, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 868. Placed on General File as amended.
Standing Committee amendment to LB 868:
AM1987

1. Strike original section 3.
2. On page 7, lines 17 to 21, strike the new matter and insert "Within ninety days after the issuance of a license to a nonresident licensee, the licensee shall provide to the commission adequate proof of completion of a three-hour class approved by the commission specific to the Nebraska Real Estate License Act and the law of agency relationships enumerated in sections 76-2401 to 76-2430. If the licensee fails to provide adequate proof of completion of the approved class to the commission within the ninety-day period, the director of the commission or his or her designee shall place the license on inactive status and notify the licensee that he or she must show cause why the license should not be revoked.".
3. On page 13, line 5, strike the first comma and insert "and" and strike "and"; and in line 6 strike "81-885.24,".
4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 926. Placed on General File as amended.
Standing Committee amendment to LB 926:
AM1996

1. Strike original sections 4 and 5.
2. On page 11, strike beginning with "section" in line 17 through "and" in line 18; and in line 19 strike "76-1010,".
3. Renumber the remaining sections accordingly.

(Signed) Mick Mines, Chairperson

AMENDMENT - Print in Journal

Senator Howard filed the following amendment to LB 861:
AM1960

1. Strike the original sections and insert the following new sections:

Section 1. Section 60-3,159, Revised Statutes Supplement, 2005, is amended to read:

60-3,159. (1) Except as provided in subsection (2) of this section, upon ~~Upon~~ application to register any motor vehicle or trailer, no registration fee shall be required to be paid thereon for any previous registration period during which such motor vehicle or trailer was not at any time ~~driven or used~~ operated or towed upon any highway within this state, and the person desiring to register such motor vehicle or trailer without payment of fees for previous registration periods shall file with the county treasurer or designated county official an affidavit showing where, when, and for how long such motor vehicle or trailer was stored and that the same was not used in this state during such registration period or periods, and upon receipt thereof the county treasurer or designated county official shall issue a registration certificate.

(2) Registration fees may be prorated for a portion of a registration period during which a person was not in Nebraska and his or her motor vehicle was not operated or trailer was not towed upon any highway of this state at any time during such portion of the registration period if such person was not in Nebraska due to military service and he or she presents to the county treasurer or designated county official the military orders related to such absence and an affidavit stating where, when, and for how long such motor vehicle or trailer was stored and that the motor vehicle was not operated or the trailer was not towed upon any highway in this state during such portion of the registration period. The fees shall be prorated based on the date of return shown on the military orders.

Sec. 2. Original section 60-3,159, Revised Statutes Supplement, 2005, is repealed.

UNANIMOUS CONSENT - Add Cointroducers

Senator Aguilar asked unanimous consent to add his name as cointroducer to LB 869. No objections. So ordered.

Senator Thompson asked unanimous consent to add her name as cointroducer to LB 1079. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Julie Hamann from Lincoln.

ADJOURNMENT

At 11:55 a.m., on a motion by Senator Cornett, the Legislature adjourned until 9:00 a.m., Thursday, January 26, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 26, 2006

PRAYER

The prayer was offered by Father Paul Rutten, Madonna Rehabilitation Hospital, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Aguilar who was excused; and Senators Brown, Flood, and Landis who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifteenth day was approved.

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 1020. Placed on General File as amended.
Standing Committee amendment to LB 1020:
AM1975
1. On page 7, line 12; page 9, line 20; and page 13, line 6, after the second comma insert "any existing unfunded liabilities shall be reinitialized and amortized over a thirty-year period,".

(Signed) Elaine Stuhr, Chairperson

REPORTS

The following reports were received by the Legislature:

Auditor of Public Accounts
Audit report of the Nebraska Public Employees Retirement Systems -

School Employees, Judges, and State Patrol Retirement Plans

Investment Finance Authority

2002 Series A, B, C, D, E and F Community Development Loan Notes (City of Lincoln Program-2002)

NOTICE OF COMMITTEE HEARINGS
Transportation and Telecommunications
Room 1113

LB 879	Monday, February 6, 2006	1:30 p.m.
LB 815	Monday, February 6, 2006	1:30 p.m.
LB 837	Monday, February 6, 2006	1:30 p.m.
LB 859	Monday, February 6, 2006	1:30 p.m.
LB 861	Monday, February 6, 2006	1:30 p.m.
LB 1151	Monday, February 6, 2006	1:30 p.m.
LB 1152	Tuesday, February 7, 2006	1:30 p.m.
LB 1215	Tuesday, February 7, 2006	1:30 p.m.
LB 1168	Tuesday, February 7, 2006	1:30 p.m.
LB 1117	Tuesday, February 7, 2006	1:30 p.m.
LB 1172	Tuesday, February 7, 2006	1:30 p.m.
LB 1191	Tuesday, February 7, 2006	1:30 p.m.

(Signed) Tom Baker, Chairperson

GENERAL FILE

LEGISLATIVE BILL 366. Title read. Considered.

The Standing Committee amendment, AM0492, found on page 670, First Session, 2005, was considered.

Senator Stuhr withdrew her pending amendments, AM1958, printed separately and referred to on page 452 and AM1959, found on page 452.

Senator Stuhr renewed her pending amendment, AM1989, printed separately and referred to on page 464, to the Standing Committee amendment.

The Stuhr amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Appropriations
Room 1524

Monday, February 6, 2006 1:30 p.m.
AGENCY 47 - Educational Telecommunications Commission
AGENCY 48 - Coordinating Commission for Postsecondary Education
AGENCY 50 - State College System
AGENCY 83 - Community College System

LB 1121 Monday, February 6, 2006 1:30 p.m.

Tuesday, February 7, 2006 1:30 p.m.
AGENCY 20 - Department of Health and Human Services Regulation and Licensure
AGENCY 25 - Department of Health and Human Services
AGENCY 26 - Department of Health and Human Services Finance and Support
AGENCY 70 - State Foster Care Review Board
AGENCY 81 - Commission for the Blind and Visually Impaired

LB 852 Tuesday, February 7, 2006 1:30 p.m.
LB 1145 Tuesday, February 7, 2006 1:30 p.m.
LB 1157 Tuesday, February 7, 2006 1:30 p.m.

(Signed) Don Pederson, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 25, 2006, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Abboud, Chris, Public Affairs Group
Manheims Omaha Auto Auction

Ashburn, Bill
ALLTEL Communications

Blackwell Sanders Peper Martin LLP
American Diabetes Association

Colacurci, Mary C.
Children & Families Foundation, Nebraska

Jenkins, Thomas J.

Blue Cross & Blue Shield of Nebraska

Kaminski, Ronald Lee, Jr.
Laborers Local #1140

Kelley & Lehan, P.C.
Wine Merchants of Nebraska, Inc.

Lightner, Patricia
HSBC GR Corp.

Meradith, Steve
ALLTEL Communications

Pankoke, Mary Jo
Children & Families Foundation, Nebraska

Pappas, James E.
Citizens For Bellevue

Rasmussen, Jessie K.
Children & Families Foundation, Nebraska

Ruth Mueller Robak LLC
Feld Entertainment, Inc.

Thompson, Ben (Affirmative Public Policy Solutions)
Millard Business Association

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 875. Placed on Select File as amended.
(E & R amendment, AM7139, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 32. Placed on Select File as amended.
E & R amendment to LB 32:
AM7140

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 2-3218, Revised Statutes Cumulative Supplement, 2004, is amended to read:

2-3218. Board members shall be ~~compensated~~ reimbursed for their actual and necessary expenses incurred in connection with their duties. Each board may provide a per diem payment for directors of not to exceed seventy dollars for each day that such director attends meetings of the board or is engaged in matters concerning the district, but no director shall receive more than

~~two thousand eight~~ three thousand six hundred dollars in any one year. Such per diem payments shall be in addition to and separate from ~~compensation~~ reimbursement for expenses.

Sec. 2. Original section 2-3218, Revised Statutes Cumulative Supplement, 2004, is repealed.

2. On page 1, line 2, after "Statutes" insert "Cumulative".

LEGISLATIVE BILL 508. Placed on Select File.

(Signed) Michael Flood, Chairperson

GENERAL FILE

LEGISLATIVE BILL 529. Title read. Considered.

The Standing Committee amendment, AM0215, found on page 648, First Session, 2005, was considered.

Senator Beutler renewed his pending amendment, AM1795, printed separately and referred to on page 291, to the Standing Committee amendment.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bills were correctly reengrossed: LBs 588 and 693.

ER9061

Enrollment and Review Change to LB 588

The following changes, required to be reported for publication in the Journal, have been made:
(Enrollment and Review Change, ER9061, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Michael Flood, Chairperson

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 957. Placed on General File.

(Signed) David Landis, Chairperson

NOTICE OF COMMITTEE HEARING
Agriculture
Room 2102

LB 1038	Tuesday, February 7, 2006	1:30 p.m.
LB 1053	Tuesday, February 7, 2006	1:30 p.m.
LB 1081	Tuesday, February 7, 2006	1:30 p.m.

Tuesday, February 7, 2006 1:30 p.m.
John Peetz - State Fair Board
Linda Lovgren - Nebraska State Fair Board

(Signed) Bob Kremer, Chairperson

AMENDMENT - Print in Journal

Senators Stuhr and Schimek filed the following amendment to LB 72:
(Amendment, AM1966, is printed separately and available in the Bill Room, Room 1104.)

GENERAL FILE

LEGISLATIVE BILL 529. The Beutler pending amendment, AM1795, printed separately and referred to on page 291 and considered in this day's Journal, was renewed.

SENATOR CUDABACK PRESIDING

Pending.

NOTICE OF COMMITTEE HEARINGS
General Affairs
Room 1510

LB 1048	Monday, February 6, 2006	1:30 p.m.
LB 1110	Monday, February 6, 2006	1:30 p.m.
LB 1111	Monday, February 6, 2006	1:30 p.m.

Monday, February 6, 2006 1:30 p.m.
Edwin Bergstraesser - State Electrical Board
Cory Mueller - State Electrical Board

LB 1039	Monday, February 13, 2006	1:30 p.m.
LR 259CA	Monday, February 13, 2006	1:30 p.m.

(Signed) Ray Janssen, Chairperson

Business and Labor
Room 2102

LB 1218	Monday, February 6, 2006	1:30 p.m.
LB 1091	Monday, February 6, 2006	1:30 p.m.

Monday, February 6, 2006 1:30 p.m.
William Blake - Commission of Industrial Relations
G. Pete Burger - Commission of Industrial Relations

LB 1125	Monday, February 13, 2006	1:30 p.m.
LB 1126	Monday, February 13, 2006	1:30 p.m.
LB 1158	Monday, February 13, 2006	1:30 p.m.

(Signed) Douglas Cunningham, Chairperson

Banking, Commerce and Insurance
Room 1507

LB 1123	Monday, February 6, 2006	1:30 p.m.
LB 1128	Monday, February 6, 2006	1:30 p.m.
LB 1230	Monday, February 6, 2006	1:30 p.m.
LB 980	Tuesday, February 7, 2006	1:30 p.m.
LB 1122	Tuesday, February 7, 2006	1:30 p.m.
LB 1261	Tuesday, February 7, 2006	1:30 p.m.
LB 1143	Monday, February 13, 2006	1:30 p.m.
LB 1193	Monday, February 13, 2006	1:30 p.m.
LB 1202	Monday, February 13, 2006	1:30 p.m.
LB 1250	Tuesday, February 14, 2006	1:30 p.m.
LB 1259	Tuesday, February 14, 2006	1:30 p.m.

(Signed) Mick Mines, Chairperson

Education
Room 1525

Monday, February 6, 2006 (cancel) 1:30 p.m.
Marilyn Harris - Coordinating Commission for Postsecondary Education

Tuesday, February 14, 2006 (reschedule) 1:30 p.m.
Marilyn Harris - Coordinating Commission for Postsecondary Education

(Signed) Ron Raikes, Chairperson

STANDING COMMITTEE REPORTS
Transportation and Telecommunications

LEGISLATIVE BILL 796. Placed on General File.

(Signed) Tom Baker, Chairperson

Urban Affairs

LEGISLATIVE BILL 850. Placed on General File.
LEGISLATIVE BILL 1029. Placed on General File.
LEGISLATIVE BILL 1054. Placed on General File.
LEGISLATIVE BILL 1066. Placed on General File.

(Signed) Mike Friend, Chairperson

Revenue

LEGISLATIVE BILL 896. Placed on General File as amended.
Standing Committee amendment to LB 896:
AM2021

1. Strike the original sections and insert the following new sections:

Section 1. Section 77-2701, Revised Statutes Supplement, 2005, is amended to read:

77-2701. Sections 77-2701 to 77-27,135.01, 77-27,222, and 77-27,228 to 77-27,234 and section 2 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967.

Sec. 2. (1) Any producer of electricity generated by a new zero-emission facility shall earn a renewable energy tax credit. For electricity generated on or after the effective date of this act, and before January 1, 2010, the credit shall be .075 cent for each kilowatt-hour of electricity generated by a new zero-emission facility. For electricity generated on or after January 1, 2010, and before January 1, 2013, the credit shall be .05 cent per kilowatt-hour for electricity generated by a new zero-emission facility. For electricity generated on or after January 1, 2013, and before January 1, 2018, the credit shall be .025 cent per kilowatt-hour for electricity generated by a new zero-emission facility. The credit may be earned for production of electricity for ten years after the date that the facility is placed in operation on or after the effective date of this act.

(2) For purposes of this section:

(a) Electricity generated by a new zero-emission facility means electricity that is exclusively produced by a new zero-emission facility;

(b) Eligible renewable resources means wind, moving water, solar, geothermal, fuel cell, methane gas, or photovoltaic technology; and

(c) New zero-emission facility means an electrical generating facility located in this state that is first placed into service on or after the effective date of this act with a rated production of one megawatt or greater which utilizes eligible renewable resources as its fuel source and for which the operation of the facility results in no pollution or emissions that are or may be harmful to the environment as certified by the Department of Environmental Quality.

(3) The credit allowed under this section may be used to reduce the producer's Nebraska income tax liability or to obtain a refund of state sales and use taxes paid by the producer of electricity generated by a zero-emission facility. A claim to use the credit for refund of the state sales and use taxes paid, either directly or indirectly, by the producer may be filed quarterly for electricity generated during the previous quarter by the twentieth day of the month following the end of the calendar quarter. The credit may be used to obtain a refund of state sales and use taxes paid during the quarter immediately preceding the quarter in which the claim for refund is made, except that the amount refunded under this subsection shall not exceed the amount of the state sales and use taxes paid during the quarter.

(4) The Department of Revenue may adopt and promulgate rules and regulations to permit verification of the validity and timeliness of any renewable energy tax credit claimed.

(5) The Department of Environmental Quality may adopt and promulgate rules and regulations to certify that the operation of a new zero-emission facility results in no pollution or emissions that are or may be harmful to the environment.

(6) The total amount of renewable energy tax credits that may be used by all taxpayers shall be limited to four hundred thousand dollars without further authorization from the Legislature.

Sec. 3. Original section 77-2701, Revised Statutes Supplement, 2005, is repealed.

(Signed) David Landis, Chairperson

ANNOUNCEMENT

The Revenue Committee designates LB 1003 as its priority bill.

GENERAL FILE

LEGISLATIVE BILL 529. The Beutler pending amendment, AM1795, printed separately and referred to on page 291 and considered in this day's Journal, was renewed.

Pending.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 876. Placed on General File as amended.
Standing Committee amendment to LB 876:
AM1997

1. Insert the following new sections:

Sec. 2. Section 8-148.04, Reissue Revised Statutes of Nebraska, is amended to read:

8-148.04. (1) Any bank may make a community development investment or investments either directly or through purchasing an equity interest in or an evidence of indebtedness of an entity primarily engaged in making community development investments, if the following conditions are satisfied:

(a) ~~The investments~~ An investment under this subsection ~~do~~ does not expose the bank to unlimited liability;

(b) The bank's aggregate investment ~~in any one entity~~ under this subsection does not exceed ~~five percent of its capital and surplus and its aggregate investments under this subsection do not exceed~~ ten percent of its capital and surplus. If the bank's investment in any one entity will exceed five percent of its capital and surplus, the prior written approval of the department must be obtained; and

(c) All investments made under this subsection are accounted for on the bank's books under "Other Assets".

(2) Nothing in this section shall prevent a bank from charging off as a contribution an investment made pursuant to subsection (1) of this section.

(3) Such subscription, investment, possession, or ownership shall not be subject to sections 8-148, 8-149, and 8-150.

(4) For purposes of this section community development investments means investments of a predominantly civic, community, or public nature and not merely private and entrepreneurial.

Sec. 13. Section 8-1601, Revised Statutes Cumulative Supplement, 2004, is amended to read:

8-1601. For purposes of sections 8-1601 to 8-1605, unless the context otherwise requires:

(1) Bank has the same meaning as in section 8-909;

(2) Bank holding company has the same meaning as in section 8-909;

(3) Banker's bank means a bank formed pursuant to section 8-1602;

~~(2)~~ (4) Department means the Department of Banking and Finance;

~~(3)~~ (5) Foreign bank holding company has the same meaning as out-of-state bank holding company in section 8-909;

(6) Foreign banker's bank means a bank which is chartered in a foreign state and which is:

(a) Insured by the Federal Deposit Insurance Corporation;

(b) Owned substantially by banks in the state in which the bank was chartered; and

(c) Directly and through its subsidiaries engaged exclusively in providing services for other banks and their officers, directors, and employees;

~~(4)~~ (7) Foreign state means any state of the United States other than the State of Nebraska, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, or the District of Columbia; and

~~(5)~~ (8) Owned substantially means at least eighty percent of the outstanding voting stock is owned.

Sec. 14. Section 8-1602, Revised Statutes Cumulative Supplement, 2004, is amended to read:

8-1602. A banker's bank may be formed with the approval of the department and subject to requirements and procedures for the issuance of a new bank charter or the transfer of an existing bank charter as provided in the Nebraska Banking Act. A banker's bank shall be a bank which is:

(1) Insured by the Federal Deposit Insurance Corporation;

(2) Owned substantially by other Nebraska banks, bank holding companies, foreign bank holding companies, or a combination of such entities; and

(3) Directly and through all its subsidiaries engaged exclusively in providing services for other banks and their officers, directors, and employees.

Sec. 15. Section 8-1605, Revised Statutes Cumulative Supplement, 2004, is amended to read:

8-1605. A bank may subscribe to, invest in, buy, or own voting stock of one or more banker's banks, ~~and~~ foreign banker's banks, bank holding companies, or foreign bank holding companies of such banker's bank or foreign banker's bank in an amount not to exceed five percent of any class of voting stock of each such banker's bank, ~~or~~ foreign banker's bank, bank holding company, or foreign bank holding company of such banker's bank or foreign banker's bank. In no event shall such bank's holdings of the stock of a banker's bank, ~~and a~~ foreign banker's bank, bank holding company, or foreign bank holding company of such banker's bank or foreign banker's bank exceed ten percent of the capital stock and paid-in and unimpaired surplus of the bank holding such stock.

Sec. 27. Section 9-705, Uniform Commercial Code, Reissue Revised Statutes of Nebraska, is amended to read:

9-705. Effectiveness of action taken before July 1, 2001.

(a) If action, other than the filing of a financing statement, is taken before July 1, 2001, and the action would have resulted in priority of a security interest over the rights of a person that becomes a lien creditor had the security interest become enforceable before July 1, 2001, the action is effective to perfect a security interest that attaches under this article within

one year after July 1, 2001. An attached security interest becomes unperfected one year after July 1, 2001, unless the security interest becomes a perfected security interest under this article before the expiration of that period.

(b) The filing of a financing statement before July 1, 2001, is effective to perfect a security interest to the extent the filing would satisfy the applicable requirements for perfection under this article.

(c) This article does not render ineffective an effective financing statement that, before July 1, 2001, is filed and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in section 9-103, as such section existed immediately before July 1, 2001. However, except as otherwise provided in subsections (d), ~~and~~ (e), and (f) and section 9-706, the financing statement ceases to be effective at the earlier of:

(1) the time the financing statement would have ceased to be effective under the law of the jurisdiction in which it is filed; or

(2) June 30, 2006.

(d) The filing of a continuation statement on or after July 1, 2001, does not continue the effectiveness of the financing statement filed before July 1, 2001. However, upon the timely filing of a continuation statement on or after July 1, 2001, and in accordance with the law of the jurisdiction governing perfection as provided in part 3, the effectiveness of a financing statement filed in the same office in that jurisdiction before July 1, 2001, continues for the period provided by the law of that jurisdiction.

(e) Subdivision (c)(2) applies to a financing statement that, before July 1, 2001, is filed against a transmitting utility and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in section 9-103, as such section existed immediately before July 1, 2001, only to the extent that part 3 provides that the law of a jurisdiction other than the jurisdiction in which the financing statement is filed governs perfection of a security interest in collateral covered by the financing statement.

(f) Subdivision (c)(2) does not apply to a financing statement that was filed in the proper place in the state before July 1, 2001, pursuant to section 9-401, as such section existed immediately before July 1, 2001, and for which the proper place of filing in the state was not changed pursuant to section 9-501, as such section existed on July 1, 2001.

~~(f)~~ (g) A financing statement that includes a financing statement filed before July 1, 2001, and a continuation statement filed on or after July 1, 2001, is effective only to the extent that it satisfies the requirements of part 5 for an initial financing statement.

Sec. 28. Section 9-707, Uniform Commercial Code, Reissue

Revised Statutes of Nebraska, is amended to read:

9-707. Amendment of pre-operative-date financing statement.

(a) In this section, "pre-operative-date financing statement" means a financing statement filed before July 1, 2001.

(b) On or after July 1, 2001, a person may add or delete collateral covered by, continue or terminate the effectiveness of, or otherwise amend the information provided in, a pre-operative-date financing statement only in accordance with the law of the jurisdiction governing perfection as provided in part 3. However, the effectiveness of a pre-operative-date financing statement also may be terminated in accordance with the law of the jurisdiction in which the financing statement is filed.

(c) Except as otherwise provided in subsection (d), if the law of this state governs perfection of a security interest, the information in a pre-operative-date financing statement may be amended on or after July 1, 2001, only if:

(1) the pre-operative-date financing statement and an amendment are filed in the office specified in section 9-501;

(2) an amendment is filed in the office specified in section 9-501 concurrently with, or after the filing in that office of, an initial financing statement that satisfies section 9-706(c); or

(3) an initial financing statement that provides the information as amended and satisfies section 9-706(c) is filed in the office specified in section 9-501.

(d) If the law of this state governs perfection of a security interest, the effectiveness of a pre-operative-date financing statement may be continued only under section 9-705(d) and ~~(f)~~ (g) or 9-706.

(e) Whether or not the law of this state governs perfection of a security interest, the effectiveness of a pre-operative-date financing statement filed in this state may be terminated on or after July 1, 2001, by filing a termination statement in the office in which the pre-operative-date financing statement is filed, unless an initial financing statement that satisfies section 9-706(c) has been filed in the office specified by the law of the jurisdiction governing perfection as provided in part 3 as the office in which to file a financing statement.

2. On page 12, lines 14 and 15, strike "10 and 11" and insert "11 and 12".

3. On page 18, line 15, strike "21" and insert "25".

4. On page 37, strike beginning with "2" in line 18 through "25" in line 19 and insert "7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 31"; in line 23 after "Original" insert "sections 8-148.04 and 8-179, Reissue Revised Statutes of Nebraska, section 8-178, Revised Statutes Cumulative Supplement, 2004,"; and in line 24 after the last comma insert "and sections 9-705 and 9-707, Uniform Commercial Code,

Reissue Revised Statutes of Nebraska,".
5. On page 38, line 2, strike "and"; and in line 3 after "8-1012," insert "8-1601, 8-1602, and 8-1605,".
6. Renumber the remaining sections accordingly.

(Signed) Mick Mines, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 286. Introduced by D. Pederson, 42.

WHEREAS, Ella Ochoa co-founded the Nebraska Association of Farmworkers and became the Executive Director on October 1, 1979; and

WHEREAS, Mrs. Ochoa started her career in the fields before going to work for the Nebraska Department of Labor Migrant Program as an outreach worker in North Platte, Nebraska; and

WHEREAS, in 1985, the Nebraska Association of Farmworkers became the NAF Multicultural Human Development Corporation with a mission to advocate for and aid in the physical, educational, financial, and social well-being of migrant and seasonal farmworkers, minorities, and other disadvantaged persons in the State of Nebraska through the delivery of community-based programming; and

WHEREAS, Mrs. Ochoa has served on the National Council of La Raza, the Nebraska Mexican-American Commission, and the National Advisory Council of Migrant Health; and

WHEREAS, Mrs. Ochoa received the OTHLI recognition from the Mexican government. OTHLI means enlightened path or journey in the Nahault language; and

WHEREAS, Mrs. Ochoa was a member of the delegation representing President Clinton at the inauguration of President Banzar of Bolivia; and

WHEREAS, Mrs. Ochoa was named Nebraska Woman of the Year by the Nebraska Commission on the Status of Women; and

WHEREAS, Mrs. Ochoa was presented the Cesar Estrada Chavez award by the American Association on Affirmative Action in April of 2005; and

WHEREAS, Mrs. Ochoa is married and has four sons, four grandsons, and one granddaughter.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Ella Ochoa on her outstanding service to farmworkers not only in Nebraska but across the United States.

2. That the Clerk of the Legislature send a copy of this resolution to Mrs. Ochoa.

Laid over.

AMENDMENTS - Print in Journal

Senator Flood filed the following amendment to LB 529:
AM2019

1. Strike the original sections and all amendments thereto and insert the following sections:

Section 1. (1) An elected clerk of the district court, anyone holding a consolidated office that includes clerk of the district court, and a county clerk who acts as ex officio clerk of the district court shall meet the requirements of this section.

(2) Beginning January 1, 2008, a candidate for election as clerk of the district court shall submit with the candidate filing form required by section 32-607 a standardized letter issued by the State Court Administrator certifying that the candidate has successfully completed a certification course meeting the requirements established under this section within two years before the candidate filing form is due or has received such certification prior to such period and has complied with the continuing education requirements of this section.

(3) Each clerk of the district court holding office on the effective date of this act shall attend a certification course meeting the requirements established under this section and receive a certificate attesting to satisfactory completion of the course within two years after the effective date of this act.

(4) Each clerk of the district court shall attend twenty hours of continuing education courses meeting the requirements established under this section every two years following the second year of his or her term of office.

(5) Unless a clerk of the district court is able to show good cause for not complying with subsection (3) or (4) of this section, any clerk of the district court who violates subsection (3) or (4) of this section shall be subject to a fine equal to such clerk's monthly salary. Each month in which such violation occurs shall constitute a separate offense.

(6) The Supreme Court shall by rule establish standards of conduct for the clerk of the district court and establish certification course and continuing education course requirements and shall certify courses that meet such requirements. Such continuing education shall be offered through seminars, advanced education which may include college or university classes, or conferences and shall be of a type which has application to and seeks to maintain and improve the skills of the clerks of the district court in carrying out the responsibilities of their office. The State Court Administrator shall keep records of certification and continuing education and shall notify the appropriate county attorney if the clerk of the district court is in violation of this section.

(7) The Supreme Court may, after notice and hearing, revoke the certification of a clerk of the district court for a violation of this section or the rules promulgated pursuant to this section.

Sec. 2. Section 32-524, Reissue Revised Statutes of Nebraska, is amended to read:

32-524. (1) Except as provided in section 22-417:

(a) In counties having a population of seven thousand inhabitants or more, there shall be elected one clerk of the district court at the statewide general election in 1962 and every four years thereafter; and

(b) In counties having a population of less than seven thousand inhabitants, there shall be elected a clerk of the district court at the first statewide general election following a determination by the county board and the district judge for the county that such officer should be elected and each four years thereafter. When such a determination is not made in such a county, the county clerk shall be ex officio clerk of the district court and perform the duties by law devolving upon that officer.

(2) In any county upon presentation of a petition to the county board (a) not less than sixty days before the statewide general election in 1976 or every four years thereafter, (b) signed by registered voters of the county equal in numbers to at least fifteen percent of the total vote cast for Governor at the most recent gubernatorial election in the county, secured in not less than two-fifths of the townships or precincts of the county, and (c) asking that the question of not electing a clerk of the district court in the county be submitted to the registered voters therein, the county board, at the next statewide general election, shall order the submission of the question to the registered voters of the county. The form of submission upon the ballot shall be as follows:

For election of a clerk of the district court;

Against election of a clerk of the district court.

(3) If a majority of the votes cast on the question are against the election of a clerk of the district court in such county, the duties of the clerk of the district court shall be performed by the county clerk and the office of clerk of the district court shall either cease with the expiration of the term of the incumbent or continue to be abolished if no such office exists at such time.

(4) If a majority of the votes cast on the question are in favor of the election of a clerk of the district court, the office shall continue or a clerk of the district court shall be elected at the next statewide general election as provided in subsection (1) of this section.

(5) The term of the clerk of the district court shall be four years or until his or her successor is elected and qualified. <u>The clerk of the district court shall meet the qualifications found in section 1 of this act.</u> The clerk of the district court shall be elected on the partisan ballot.

Sec. 3. Original section 32-524, Reissue Revised Statutes of Nebraska, is repealed.

Senator Chambers filed the following amendments to LB 87:
FA372
P. 2, line 7, strike "equally" and show as stricken, and after "participate" insert "equally".

FA373
P. 5, line 24, strike "taken".

FA374
P. 6, line 4, strike "claim of" and insert "complaints regarding".

FA375
P. 6, line 5, strike "provision" and insert "providing".

VISITORS

Visitors to the Chamber were Ron Kaplan and Marlene Hansen from Omaha; John Wightman from Lexington; and Jeane Bentz and Kate Nickel from Kearney.

The Doctor of the Day was Dr. Brad Hupp from Albion.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Schimek, the Legislature adjourned until 10:00 a.m., Monday, January 30, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTEENTH DAY - JANUARY 30, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 30, 2006

PRAYER

The prayer was offered by Pastor Delmar Wiemers, First Lutheran Church, Fremont.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Aguilar, Combs, Engel, Dw. Pedersen, Price, Stuthman, and Synowiecki who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixteenth day was approved.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 891. Placed on General File.

LEGISLATIVE BILL 833. Placed on General File as amended.
Standing Committee amendment to LB 833:
AM2000

1. Strike original section 2 and insert the following new section:

Sec. 2. Section 71-1,103, Revised Statutes Supplement, 2005, is amended to read:

71-1,103. The following classes of persons shall not be construed to be engaged in the unauthorized practice of medicine:

(1) Persons rendering gratuitous services in cases of emergency;

(2) Persons administering ordinary household remedies;

(3) The members of any church practicing its religious tenets, except that they shall not prescribe or administer drugs or

medicines, perform surgical or physical operations, nor assume the title of or hold themselves out to be physicians or surgeons, and such members shall not be exempt from the quarantine laws of this state;

(4) Students of medicine and surgery who are studying in an accredited school or college of medicine and who gratuitously prescribe for and treat disease under the supervision of a licensed physician;

(5) Physicians and surgeons of the United States Armed Forces or Public Health Service or United States Department of Veterans Affairs when acting in the line of such duty in this state;

(6) Physicians and surgeons residing in another state who are ~~graduates of an accredited school or college of medicine with the degree of Doctor of Medicine and~~ duly licensed ~~in another~~ to practice medicine and surgery under the laws of such other state when incidentally called into this state or contacted via electronic or other medium for consultation with a physician and surgeon licensed in this state. For purposes of this subdivision, consultation means evaluating the medical data of the patient as provided by the treating physician and rendering a recommendation to such treating physician as to the method of treatment or analysis of the data;

(7) Physicians and surgeons residing in another state who are ~~graduates of an accredited school or college of medicine with the degree of Doctor of Medicine and who reside in a state bordering this state and who are~~ duly licensed ~~under the laws thereof~~ to practice medicine and surgery ~~but who do not open an office or maintain or appoint a place to meet patients or to receive calls within this state unless they are performing services described in subdivision (7) of section 71-1,102;~~ in such other state but who (a) provide professional services in this state only on an irregular or occasional basis, (b) do not have or regularly use hospital privileges for the provision of professional services in person in this state, (c) do not render interpretations of radiological images transmitted by electronic media, except as incident to consultation under subdivision (6) of this section, and (d) do not maintain and are not provided for regular use within this state any office or other place for the rendering of professional services or the receipt of calls;

(8) Persons providing or instructing as to use of braces, prosthetic appliances, crutches, contact lenses, and other lenses and devices prescribed by a doctor of medicine licensed to practice while working under the direction of such physician;

(9) Dentists practicing their profession when licensed and practicing in accordance with sections 71-183 to 71-191;

(10) Optometrists practicing their profession when licensed and practicing under and in accordance with sections 71-1,133 to 71-1,136;

(11) Osteopathic physicians practicing their profession if licensed and practicing under and in accordance with sections 71-1,137 and 71-1,141;

(12) Chiropractors practicing their profession if licensed and practicing under sections 71-177 to 71-182;

(13) Podiatrists practicing their profession when licensed and practicing under and in accordance with sections 71-173 to 71-176;

(14) Psychologists practicing their profession when licensed and practicing under and in accordance with sections 71-1,206.01 to 71-1,206.35;

~~(15) Advanced~~ (15)(a) Until July 1, 2007, advanced practice registered nurses and certified registered nurse anesthetists practicing their professions and practicing under and in accordance with the Advanced Practice Registered Nurse Act; and

(b) On and after July 1, 2007, advanced practice registered nurses practicing in their clinical specialty areas when licensed under the Advanced Practice Registered Nurse Licensure Act and practicing under and in accordance with their respective certification acts;

(16) Any person licensed or certified under the laws of this state to practice a limited field of the healing art, not specifically named in this section, when confining themselves strictly to the field for which they are licensed or certified, not assuming the title of physician, surgeon, or physician and surgeon, and not professing or holding themselves out as qualified to prescribe drugs in any form or to perform operative surgery;

(17) Physicians and surgeons who are duly licensed to practice medicine and surgery in another state who have been recommended by the secretary of the board of examiners in the state of licensure and who have been granted temporary practice rights by the Board of Medicine and Surgery, with the approval of the department, for a period not to exceed three months in any twelve-month period;

(18) Persons obtaining blood specimens while working under an order of or protocols and procedures approved by a physician, registered nurse, or other independent health care practitioner licensed to practice by the state if the scope of practice of that practitioner permits the practitioner to obtain blood specimens; and

(19) Any other trained person employed by a licensed health care facility or health care service defined in the Health Care Facility Licensure Act or clinical laboratory certified pursuant to the federal Clinical Laboratories Improvement Act of 1967, as amended, or Title XVIII or XIX of the federal Social Security Act to withdraw human blood for scientific or medical purposes.

Every act or practice falling within the practice of medicine and surgery as defined in section 71-1,102 and not

specially excepted in this section shall constitute the practice of medicine and surgery and may be performed in this state only by those licensed by law to practice medicine in Nebraska.

LEGISLATIVE BILL 950. Placed on General File as amended.
Standing Committee amendment to LB 950:
AM1961

1. Strike the original sections and insert the following new sections:

Section 1. Section 71-612, Revised Statutes Cumulative Supplement 2004, is amended to read:

71-612. (1) The Director of Finance and Support, as the State Registrar, through the Department of Health and Human Services Finance and Support shall preserve permanently and index all certificates received. The department shall supply to any applicant for any proper purpose, as defined by rules and regulations of the department, a certified copy of the record of any birth, death, marriage, annulment, or dissolution of marriage registered. The department shall supply a copy of a public vital record for viewing purposes at its office upon an application signed by the applicant and upon proof of the identity of the applicant. The application may include the name, address, and telephone number of the applicant, purpose for viewing each record, and other information as may be prescribed by the department by rules and regulations to protect the integrity of vital records and prevent their fraudulent use. Except as provided in subsections (2), (3), (5), (6), and (7) of this section, the department shall be entitled to charge and collect in advance a fee of ~~seven~~ eleven dollars to be paid by the applicant for each certified copy supplied to the applicant or for any search made at the applicant's request for access to or a certified copy of any record, whether or not the record is found on file with the department.

(2) The department shall, free of charge, search for and furnish a certified copy of any record on file with the department upon the request of (a) the United States Department of Veterans Affairs or any lawful service organization empowered to represent veterans if the copy of the record is to be issued, for the welfare of any member or veteran of the armed forces of the United States or in the interests of any member of his or her family, in connection with a claim growing out of service in the armed forces of the nation or (b) the Military Department.

(3) The Department of Health and Human Services Finance and Support may, free of charge, search for and furnish a certified copy of any record on file with the department when in the opinion of the Director of Finance and Support it would be a hardship for the claimant of old age, survivors, or disability benefits under the federal Social Security Act to pay the fee provided in this section.

(4) A strict account shall be kept of all funds received

by the department. Funds received pursuant to subsections (1), (5), (6), and (8) of this section shall be remitted to the State Treasurer for credit to the Department of Health and Human Services Finance and Support Cash Fund. Money credited to the fund pursuant to this section shall be used for the purpose of administering the laws relating to vital statistics and may be used to create a petty cash fund administered by the department to facilitate the payment of refunds to individuals who apply for copies of records. The petty cash fund shall be subject to section 81-104.01, except that the amount in the petty cash fund shall not be less than twenty-five dollars nor more than one thousand dollars.

(5) The department shall, upon request, conduct a search of death certificates for stated individuals for the Nebraska Medical Association or any of its allied medical societies or any inhospital staff committee pursuant to sections 71-3401 to 71-3403. If such death certificate is found, the department shall provide a noncertified copy. The department shall charge a fee for each search or copy sufficient to cover its actual direct costs, except that the fee shall not exceed two dollars per individual search or copy requested.

(6) The department may permit use of data from vital records for statistical or research purposes under section 71-602 or disclose data from certificates or records to federal, state, county, or municipal agencies of government for use in administration of their official duties and charge and collect a fee that will recover the department's cost of production of the data. The department may provide access to public vital records for viewing purposes by electronic means, if available, under security provisions which shall assure the integrity and security of the records and data base and shall charge and collect a fee that shall recover the department's costs.

(7) In addition to the fees charged under subsection (1) of this section, the department shall charge and collect an additional fee of one dollar for any certified copy of the record of any birth or for any search made at the applicant's request for access to or a certified copy of any such record, whether or not the record is found on file with the department. Any county containing a city of the metropolitan class which has an established city-county or county health department pursuant to sections 71-1626 to 71-1636 which has an established system of registering births and deaths shall charge and collect in advance a fee of one dollar for any certified copy of the record of any birth or for any search made at the applicant's request for such record, whether or not the record is found on file with the county. All fees collected under this subsection shall be remitted to the State Treasurer for credit to the Nebraska Child Abuse Prevention Fund.

(8) The department shall not charge other state agencies the fees authorized under subsections (1) and (7) of this section for automated review of any certificates. The department shall

charge and collect a fee from other state agencies for such automated review that will recover the department's cost.

Sec. 2. Section 71-617.15, Revised Statutes Cumulative Supplement, 2004, is amended to read:

71-617.15. (1) The ~~Department of Health and Human Services Finance and Support~~ department shall charge and collect ~~a~~ the same fee ~~of seven dollars~~ as prescribed in subsection (1) of section 71-612 when an application for a delayed birth certificate is filed. All such fees shall be remitted to the State Treasurer for credit to the Department of Health and Human Services Finance and Support Cash Fund. The department shall collect an additional fee of one dollar when a delayed birth certificate is issued. All amounts collected from such additional fee shall be remitted to the State Treasurer for credit to the Nebraska Child Abuse Prevention Fund.

(2) Upon request and payment of the fees required by section 71-612, a certified copy of a delayed birth certificate shall be furnished by the Director of Finance and Support. All fees for a certified copy shall be handled as provided in section 71-612.

Sec. 3. Section 71-627, Revised Statutes Cumulative Supplement, 2004, is amended to read:

71-627. (1) The certificate of birth of adopted children shall be filed as other certificates of birth. ~~There shall be a fee of seven dollars charged~~ The department shall charge and collect the same fee as prescribed in subsection (1) of section 71-612 for each certificate filed. All such fees shall be remitted to the State Treasurer for credit to the Department of Health and Human Services Finance and Support Cash Fund. The department shall charge and collect an additional fee of one dollar for each certificate issued. All amounts collected from such additional fee shall be remitted to the State Treasurer for credit to the Nebraska Child Abuse Prevention Fund.

(2) Upon request and payment of the fees required by section 71-612, a certified copy of an adoptive birth certificate shall be furnished by the Director of Finance and Support. All fees for a certified copy shall be handled as provided in section 71-612.

Sec. 4. Section 71-628, Revised Statutes Cumulative Supplement, 2004, is amended to read:

71-628. In case of the legitimation of any child born in Nebraska by the subsequent marriage of such child's parents as provided in section 43-1406, the ~~Department of Health and Human Services Finance and Support~~ department, upon the receipt of a certified copy of the marriage certificate of the parents and a statement of the parents acknowledging paternity, shall prepare a new certificate of birth in the new name of the child so legitimated, in substantially the same form as that used for other live births. The department ~~, and~~ shall charge ~~a filing fee of~~

~~seven dollars~~ and collect the same fee as prescribed in subsection (1) of section 71-612. All such fees shall be remitted to the State Treasurer for credit to the Department of Health and Human Services Finance and Support Cash Fund. The department shall charge and collect an additional fee of one dollar for each new certificate of birth filed. All amounts collected from such additional fee shall be remitted to the State Treasurer for credit to the Nebraska Child Abuse Prevention Fund.

Sec. 5. Section 71-634, Revised Statutes Cumulative Supplement, 2004, is amended to read:

71-634. The ~~Department of Health and Human Services Finance and Support~~ department shall charge and collect ~~a~~ the same fee ~~of seven dollars~~ as prescribed in subsection (1) of section 71-612 for each proceeding under sections 71-630 and 71-635 to 71-644. All fees so collected shall be remitted to the State Treasurer for credit to the Department of Health and Human Services Finance and Support Cash Fund. The department shall collect the fees required by section 71-612 for a certified copy of the amended record. All fees for a certified copy shall be handled as provided in section 71-612.

If a certificate is amended pursuant to sections 71-630 and 71-635 to 71-644 as the result of an error committed by the department in the issuance of such certificate, the department may waive any fee required under this section.

Sec. 6. This act becomes operative on July 1, 2006.

Sec. 7. Original sections 71-612, 71-617.15, 71-627, 71-628, and 71-634, Revised Statutes Cumulative Supplement, 2004, are repealed.

Sec. 8. Since an emergency exists, this act takes effect when passed and approved according to law.

LEGISLATIVE BILL 999. Indefinitely postponed.

(Signed) Jim Jensen, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 1007. Placed on General File.

(Signed) Tom Baker, Chairperson

Urban Affairs

LEGISLATIVE BILL 907. Placed on General File as amended.
Standing Committee amendment to LB 907:
AM2023

1. Strike the original sections and insert the following new sections:

Section 1. Section 35-514, Reissue Revised Statutes of

Nebraska, is amended to read:

35-514. (1) Any territory which is outside the limits of any incorporated city may be annexed to an adjacent district in the manner provided in this section, whether or not the territory is in an existing rural or suburban fire protection district.

(2) The proceedings for the annexation may be initiated by either (a) the presentation to the county clerk of a petition signed by sixty percent or more of the registered voters who are residing within the boundaries of the territory to be annexed stating the desires and purposes of such petitioners or (b) the presentation to the county clerk of certified copies of resolutions passed by the board of directors of the annexing district and any other district from which the property would be annexed supporting the proposed annexation. The petition or resolutions shall contain a description of the boundaries of the territory proposed to be annexed. The petition or resolutions shall be accompanied by a map or plat and a deposit for publication costs.

(3) The county clerk shall verify the petition as provided in section 32-631 and determine and certify whether or not such petition or resolution complies with the requirements of subsection (2) of this section and that the persons signing the petition appear to reside at the addresses indicated by such petition. Thereafter, the county clerk shall forward any petition, map or plat, and certificate to the board of directors of the districts concerned.

(4) Within thirty days after receiving the petition, map or plat, and certificate of the county clerk, in accordance with subsection (3) of this section, from the county clerk, the board of directors of all affected districts shall transmit the same to the proper county board, accompanied by a report in writing approving or disapproving the proposal contained in the petition, or approving such proposal in part and disapproving it in part. If the annexation is proposed by resolutions of the affected districts, the resolutions shall be transmitted to the proper county board.

(5) The county board shall promptly designate a time and place for a hearing upon the annexation. Notice of such hearing shall be given by publication two weeks in a newspaper of general circulation in the county, the last publication appearing at least seven days prior to the hearing. The notice shall be addressed to "all registered voters residing in the following boundaries" and shall include a description of the proposed boundaries as set forth in the petition or resolutions. At such hearing, any person shall have the opportunity to be heard respecting the proposed annexation.

(6) The county board shall, within forty-five days after the hearing referred to in subsection (5) of this section, determine whether such territory should be annexed and shall fix the boundaries of the territory to be annexed. No annexation

shall be approved which would leave any district with less than the minimum valuation of two million eight hundred sixty thousand dollars. The determination of the county board shall be set forth in a written order which shall describe the boundaries determined upon and shall be filed in the office of the county clerk.

(7) Any area annexed from a rural or suburban fire protection district, except areas duly incorporated within the boundaries of a municipality, shall be subject to assessment and be otherwise chargeable for the payment and discharge of all the obligations of the rural or suburban fire protection district outstanding at the time of the filing of the petition or resolution for the annexation of the area as fully as though the area had not been annexed. All procedures which could be used to compel the annexed area, except for areas duly incorporated within the boundaries of a municipality, to pay its portion of the outstanding obligations had the annexation not occurred may be used to compel such payment. Areas duly incorporated within the boundaries of a municipality shall be automatically annexed from the boundaries of the district notwithstanding the provisions of section 31-766 and shall not be subject to further tax levy or other charges by the district. The municipality shall assume as of the effective date of the annexation the responsibility for paying that portion of the outstanding obligations of the district that would constitute an obligation of the annexed area and shall enter into an accounting with the district for a division of the assets, liabilities, maintenance, or other obligations of the district based upon the valuation of the portion of the district annexed proportionate to the valuation of the portion of the district remaining following annexation, paying to the district any balance of obligations beyond assets, if any. Written notice of the date of the public hearing on any annexation ordinance proposing the annexation of district territory shall be mailed by certified mail to the clerk of the district not less than ten days prior to the date of the hearing. The municipality shall assume responsibility for providing fire and rescue service to the annexed area as of the effective date of the annexation. ~~, except that before the annexation is complete, the municipality shall assume and pay that portion of all outstanding obligations of the district which would otherwise constitute an obligation of the area annexed or incorporated.~~ An area annexed from a rural or suburban fire protection district shall not be subject to assessment or otherwise chargeable for any obligation of any nature or kind incurred by the district after the annexation of the area from the district.

Sec. 2. Original section 35-514, Reissue Revised Statutes of Nebraska, is repealed.

(Signed) Mike Friend, Chairperson

NOTICE OF COMMITTEE HEARINGS
Judiciary
Room 1113

LB 1169	Friday, February 24, 2006 (cancel)	1:30 p.m.
LB 1169	Thursday, February 9, 2006 (reschedule)	1:30 p.m.
LB 1044	Friday, February 24, 2006	1:30 p.m.
LB 1188	Wednesday, February 8, 2006 (cancel)	1:30 p.m.

(Signed) Patrick J. Bourne, Chairperson

MOTION - Print in Journal

Senator Connealy filed the following motion to LB 1188:
Withdraw LB 1188.

SPEAKER BRASHEAR PRESIDING

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 276 and 277 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 276 and 277.

SENATOR CUDABACK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 542A. Senator Chambers renewed his pending amendment, FA351, found on page 357.

The Chambers amendment was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 72. Senator Chambers renewed his pending amendment, FA362, found on page 440.

Senator Chambers withdrew his amendment.

Senator Stuhr renewed the Stuhr-Schimek pending amendment, AM1966, printed separately and referred to on page 474.

The Stuhr-Schimek amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 72A. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 87. Title read. Considered.

Senator Byars renewed his pending amendment, AM1812, found on page 386.

The Byars amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Senator Chambers renewed his pending amendment, FA372, found on page 485.

Senator Chambers withdrew his amendment.

Senator Chambers renewed his pending amendment, FA373, found on page 485.

Senator Chambers withdrew his amendment.

Senator Chambers withdrew his pending amendments, FA374 and FA375, found on page 485.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 87A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 85. Title read. Considered.

The Standing Committee amendment, AM0126, found on page 379, First Session, 2005, was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 85A. Title read. Considered.

Senator Byars renewed his pending amendment, AM1879, found on page 357.

The Byars amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

ANNOUNCEMENT

The Natural Resources Committee designates LB 975 as its priority bill.

NOTICE OF COMMITTEE HEARINGS
Natural Resources
Room 1525

LB 1097	Wednesday, February 8, 2006	1:30 p.m.
LB 1031	Wednesday, February 8, 2006	1:30 p.m.
LB 1161	Wednesday, February 8, 2006	1:30 p.m.

Wednesday, February 8, 2006 1:30 p.m.
Rod Gangwish - Environmental Quality Council

LB 822	Thursday, February 9, 2006	1:30 p.m.
LB 1082	Thursday, February 9, 2006	1:30 p.m.
LB 1226	Thursday, February 9, 2006	1:30 p.m.

Thursday, February 9, 2006 1:30 p.m.
Mark Whitehead - Environmental Quality Council
Michael Siedschlag - Nebraska Power Review Board

LB 848	Friday, February 10, 2006	1:30 p.m.
LB 1186	Friday, February 10, 2006	1:30 p.m.
LB 1187	Friday, February 10, 2006	1:30 p.m.

Friday, February 10, 2006 1:30 p.m.
Michael Bair - Environmental Quality Council
Thomas Sonntag - Oil and Gas Conservation Commission
Alden Zuhlke - Environmental Quality Council
Robert Hall - Environmental Quality Council

LB 1127	Wednesday, February 15, 2006	1:30 p.m.
LB 1225	Wednesday, February 15, 2006	1:30 p.m.

LB 1095	Wednesday, February 15, 2006	1:30 p.m.
LB 938	Thursday, February 16, 2006	1:30 p.m.
LB 1076	Thursday, February 16, 2006	1:30 p.m.

Friday, February 24, 2006 1:30 p.m.
Eugene Bade - Nebraska Power Review Board

(Signed) Ed Schrock, Chairperson

Appropriations
Room 1003

Wednesday, February 8, 2006 1:30 p.m.
AGENCY 11 - Attorney General
AGENCY 21 - State Fire Marshal
AGENCY 46 - Department of Correctional Services
AGENCY 64 - State Patrol
AGENCY 78 - Commission on Law Enforcement and Criminal Justice
AGENCY 94 - Commission on Public Advocacy

LB 922	Wednesday, February 8, 2006	1:30 p.m.
LB 923	Wednesday, February 8, 2006	1:30 p.m.
LB 1015	Wednesday, February 8, 2006	1:30 p.m.
LB 1025	Wednesday, February 8, 2006	1:30 p.m.
LB 1258	Wednesday, February 8, 2006	1:30 p.m.

Thursday, February 9, 2006 1:30 p.m.
AGENCY 51 - University of Nebraska
AGENCY 84 - Department of Environmental Quality
AGENCY 33 - Game and Parks Commission
AGENCY 69 - Arts Council

LB 1083	Thursday, February 9, 2006	1:30 p.m.
LB 1207	Thursday, February 9, 2006	1:30 p.m.
LB 1228	Thursday, February 9, 2006	1:30 p.m.

Room 1524

LB 851	Monday, February 13, 2006	1:30 p.m.
LB 862	Monday, February 13, 2006	1:30 p.m.
LB 983	Monday, February 13, 2006	1:30 p.m.
LB 1028	Monday, February 13, 2006	1:30 p.m.
LB 1192	Monday, February 13, 2006	1:30 p.m.
LB 1219	Monday, February 13, 2006	1:30 p.m.

(Signed) Don Pederson, Chairperson

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 769. Indefinitely postponed.
LEGISLATIVE BILL 804. Indefinitely postponed.
LEGISLATIVE BILL 966. Indefinitely postponed.
LEGISLATIVE BILL 988. Indefinitely postponed.
LEGISLATIVE BILL 1032. Indefinitely postponed.
LEGISLATIVE BILL 1094. Indefinitely postponed.

(Signed) David Landis, Chairperson

Natural Resources

LEGISLATIVE BILL 975. Placed on General File as amended.
(Standing Committee amendment, AM2002, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Ed Schrock, Chairperson

AMENDMENT - Print in Journal

Senators Landis and Beutler filed the following amendment to LB 75:
AM2042

(Amendments to Standing Committee amendments, AM0022)

1. Strike amendments 1 through 4 and insert the following new amendment:

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article XI, section 1:

XI-1 No city, county, town, precinct, municipality, or other ~~sub-division~~ subdivision of the state~~,~~ shall ever become a subscriber to the capital stock, or owner of such stock, or any portion or interest therein of any railroad, or private corporation, or association, except that, notwithstanding any other provision of this Constitution, the Legislature may authorize the investment of the public endowment funds of cities, villages, school districts, public power districts, and other governmental or political subdivisions in the manner of a prudent investor who shall act with care, skill, and diligence under the prevailing circumstance and in such investments as the governing body of such city, village, school district, public power district, and other governmental or political subdivision, acting in a fiduciary capacity for the exclusive purpose of protecting and benefiting such investment, may determine, subject to such limitations as the

Legislature may by statute provide .

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to authorize the investment of the public funds of cities, villages, school districts, public power districts, and other governmental or political subdivisions in such manner and in such investments as the governing body of such governmental or political subdivision may determine, subject to limitations by the Legislature.

For

Against.

VISITORS

Visitors to the Chamber were 74 students and teachers from Bryan High School, Bellevue.

The Doctor of the Day was Dr. Paula Abramovith Feijo from Omaha.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Kopplin, the Legislature adjourned until 9:00 a.m., Tuesday, January 31, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTEENTH DAY - JANUARY 31, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

EIGHTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 31, 2006

PRAYER

The prayer was offered by Pastor Betty Jo Marples, Jubilee Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Brown, Cornett, Heidemann, and Louden who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 497, lines 12 and 13, strike "printed separately and referred to" and insert "found".
Page 500, lines 4 through 9, strike "**RESOLUTION**" and insert "**BILL**".
The Journal for the seventeenth day was approved as corrected.

NOTICE OF COMMITTEE HEARINGS

Nebraska Retirement Systems
Room 1525

LB 1022	Wednesday, February 8, 2006	12:15 p.m.
LB 1023	Wednesday, February 8, 2006	12:15 p.m.
LB 1142	Wednesday, February 22, 2006	12:15 p.m.

(Signed) Elaine Stuhr, Chairperson

MOTION - Withdraw LB 1188

Senator Connealy renewed his pending motion, found on page 496, to withdraw LB 1188.

The Connealy motion to withdraw prevailed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

SPEAKER BRASHEAR PRESIDING

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 279 and 280 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 279 and 280.

SENATOR CUDABACK PRESIDING

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 548.

A BILL FOR AN ACT relating to public entities; to adopt the Public Entities Mandated Project Charges Act; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Aguilar	Connealy	Heidemann	Louden	Smith
Baker	Cornett	Howard	McDonald	Stuhr
Beutler	Cudaback	Hudkins	Mines	Stuthman
Bourne	Cunningham	Janssen	Pahls	Synowiecki
Brashear	Engel	Jensen	Pedersen, Dw.	Thompson
Brown	Erdman	Johnson	Pederson, D.	Wehrbein
Burling	Fischer	Kopplin	Price	
Byars	Flood	Kremer	Raikes	
Chambers	Foley	Landis	Redfield	
Combs	Friend	Langemeier	Schrock	

Voting in the negative, 0.

Present and not voting, 3:

Kruse	Preister	Schimek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 588 with 39 ayes, 2 nays, and 8 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 588.

A BILL FOR AN ACT relating to the Legislature; to amend sections 50-1203, 50-1204, 50-1205, 50-1205.01, 50-1213, 50-1214, and 50-1215, Reissue Revised Statutes of Nebraska, sections 84-304 and 84-311, Revised Statutes Cumulative Supplement, 2004, and sections 77-2711 and 77-27,119, Revised Statutes Supplement, 2005; to change provisions relating to the Legislative Performance Audit Committee and the Legislative Performance Audit Section; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Aguilar	Combs	Friend	Landis	Schrock
Baker	Connealy	Heidemann	Louden	Stuhr
Beutler	Cornett	Howard	McDonald	Stuthman
Bourne	Cudaback	Hudkins	Mines	Synowiecki
Brashear	Cunningham	Janssen	Pahls	Thompson
Brown	Engel	Johnson	Pedersen, Dw.	Wehrbein
Burling	Erdman	Kopplin	Pederson, D.	
Byars	Fischer	Kremer	Price	
Chambers	Foley	Kruse	Schimek	

Voting in the negative, 5:

Flood	Langemeier	Raikes	Redfield	Smith

Present and not voting, 2:

Jensen	Preister

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 693 with 41 ayes, 3 nays, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 693. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Investment Finance Authority; to amend sections 58-201, 58-203, 58-207, and 58-219, Reissue Revised Statutes of Nebraska, and section 58-202, Revised Statutes Supplement, 2005; to authorize financing for economic-impact projects; to authorize public-private initiatives; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Aguilar	Connealy	Heidemann	Langemeier	Schrock
Baker	Cornett	Howard	Louden	Smith
Beutler	Cudaback	Hudkins	McDonald	Stuhr
Bourne	Cunningham	Janssen	Mines	Stuthman
Brashear	Engel	Jensen	Pahls	Synowiecki
Brown	Erdman	Johnson	Pedersen, Dw.	Thompson
Burling	Fischer	Kopplin	Pederson, D.	Wehrbein
Byars	Flood	Kremer	Price	
Chambers	Foley	Kruse	Redfield	
Combs	Friend	Landis	Schimek	

Voting in the negative, 0.

Present and not voting, 2:

Preister	Raikes

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 764.

A BILL FOR AN ACT relating to schools; to repeal obsolete provisions relating to school fiscal year 1998-99 and the Hardship Fund which has been

eliminated; and to outright repeal sections 79-1072.01 and 79-1072.02, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Aguilar	Cornett	Howard	Louden	Schrock
Baker	Cudaback	Hudkins	McDonald	Smith
Beutler	Cunningham	Janssen	Mines	Stuhr
Bourne	Engel	Jensen	Pahls	Stuthman
Brashear	Erdman	Johnson	Pedersen, Dw.	Synowiecki
Brown	Fischer	Kopplin	Pederson, D.	Thompson
Burling	Flood	Kremer	Price	Wehrbein
Byars	Foley	Kruse	Raikes	
Combs	Friend	Landis	Redfield	
Connealy	Heidemann	Langemeier	Schimek	

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Preister

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 765. With Emergency.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-123, 60-137, 60-144, 60-146, 60-362, 60-385, and 60-3,187, Revised Statutes Supplement, 2005; to correct internal references relating to Laws 2005, LB 274, and Laws 2005, LB 276; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Aguilar	Connealy	Heidemann	Langemeier	Schimek
Baker	Cornett	Howard	Louden	Schrock
Beutler	Cudaback	Hudkins	McDonald	Smith
Bourne	Cunningham	Janssen	Mines	Stuhr
Brashear	Engel	Jensen	Pahls	Stuthman
Brown	Erdman	Johnson	Pedersen, Dw.	Synowiecki
Burling	Fischer	Kopplin	Pederson, D.	Thompson
Byars	Flood	Kremer	Price	Wehrbein
Chambers	Foley	Kruse	Raikes	
Combs	Friend	Landis	Redfield	

Voting in the negative, 0.

Present and not voting, 1:

Preister

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

GENERAL FILE

LEGISLATIVE BILL 1003. Title read. Considered.

The Standing Committee amendment, AM1935, printed separately and referred to on page 452, was adopted with 37 ayes, 0 nays, and 12 present and not voting.

Advanced to E & R for review with 38 ayes, 0 nays, and 11 present and not voting.

SPEAKER BRASHEAR PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 548, 588, 693, 764, and 765.

SENATOR CUDABACK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 14. Title read. Considered.

The Standing Committee amendment, AM0135, found on page 382, First Session, 2005, was adopted with 31 ayes, 0 nays, and 18 present and not voting.

Senator Chambers offered the following amendment:

FA376
P. 5 strike subsection (6).

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

The Chambers amendment was adopted with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 75. Title read. Considered.

The Standing Committee amendment, AM0022, found on page 382, First Session, 2005, was considered.

Senator Landis withdrew his pending amendment, AM1926, found on page 414.

Senator Beutler offered the following motion:
Suspend Rule 7, Section 3(d), to permit consideration of AM2042 to LB 75.

Pending.

NOTICE OF COMMITTEE HEARING
Urban Affairs
Room 1510

LB 1174	Tuesday, February 7, 2006	1:30 p.m.
LB 1175	Tuesday, February 7, 2006	1:30 p.m.
LB 1176	Tuesday, February 7, 2006	1:30 p.m.

(Signed) Mike Friend, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on January 31, 2006, at 10:25 a.m. were the following: LBs 548, 588, 693e, 764, and 765e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 366. Placed on Select File as amended.
(E & R amendment, AM7141, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 542A. Placed on Select File as amended.
E & R amendment to LB 542A:
AM7142

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. There is hereby appropriated $250,000 from the General Fund for FY2006-07 to the Legislative Council, for Program 122, to aid in carrying out the provisions of Legislative Bill 542, Ninety-ninth Legislature, Second Session, 2006.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 2. Since an emergency exists, this act takes effect when passed and approved according to law.

2. On page 1, line 3, strike "First Session, 2005" and insert "Second Session, 2006".

(Signed) Michael Flood, Chairperson

STANDING COMMITTEE REPORT
Transportation and Telecommunications

LEGISLATIVE BILL 958. Placed on General File as amended.
Standing Committee amendment to LB 958:
AM2031

1. On page 4, strike beginning with "Any" in line 1 through the period in line 7, show the old matter as stricken, and insert "For carrying grain or other seasonally harvested products from the field where such grain or products are harvested to storage, market, or stockpile in the field or from stockpile to market or factory up to seventy miles: (a) Any motor vehicle, semitrailer, or trailer may operate with a load that exceeds the maximum load permitted by section 60-6,294 by fifteen percent on any tandem axle, group of axles, and gross weight; and (b) any truck with no more than two axles may operate with a load that exceeds the maximum load and gross weight for a single axle permitted by section 60-6,294 by fifteen percent.".

(Signed) Tom Baker, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 287. Introduced by Johnson, 37.

WHEREAS, Adam C. Prochaska, of Kearney, Nebraska, has earned the highest honor and rank of the Boy Scouts of America, the rank of Eagle Scout; and

WHEREAS, to earn the rank of Eagle Scout, Adam C. Prochaska fulfilled requirements in the areas of leadership, service, and outdoor skills and passed through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle; and

WHEREAS, to achieve the rank of Eagle Scout, Adam C. Prochaska earned at least twenty-one merit badges, twelve in required areas, and completed a community service project approved by his Boy Scout troop and the Boy Scout Council; and

WHEREAS, only two percent of all young men who join the Boy Scouts of America attain the rank of Eagle Scout; and

WHEREAS, Adam C. Prochaska has achieved great success, is an exemplary member of the scouting program, and has represented his troop and community with excellence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Adam C. Prochaska on his achievement of the elite rank of Eagle Scout in the Boy Scouts of America and recognizes his outstanding community service efforts in Kearney.

2. That a copy of this resolution be sent to Adam C. Prochaska and his family.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Senator Dw. Pedersen asked unanimous consent to add his name as cointroducer to LB 1016. No objections. So ordered.

Senator Combs asked unanimous consent to add her name as cointroducer to LB 770. No objections. So ordered.

VISITORS

Visitor to the Chamber was Michael H. McCabe from Lombard, Illinois.

The Doctor of the Day was Dr. Vanessa V. Berg from Omaha.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Jensen, the Legislature adjourned until 9:00 a.m., Wednesday, February 1, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 1, 2006

PRAYER

The prayer was offered by Pastor Bob Chitwood, Brownville Christian Church, Brownville.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Brashear, Brown, Engel, Jensen, Landis, and Raikes who were excused until they arrive.

PRESIDENT SHEEHY PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the eighteenth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 72. Placed on Select File as amended.
E & R amendment to LB 72:
AM7146

1. In the Stuhr-Schimek amendment, AM1966:

a. On page 1, line 21, strike the semicolon and insert an underscored period;

b. On page 2, line 10, strike "subsection" and insert "subdivision"; in line 12 strike "mean" and insert "means"; and in line 22 after "committee" insert "created under section 11 of this act";

c. On page 3, line 17, strike "upon";

d. On page 5, line 3, after the second "order" insert an underscored comma; and in lines 7 and 14 strike "act" and insert "Security Personnel Licensing Act";

e. On page 7, line 16, after the semicolon insert "and";
and
f. On page 8, line 2, after "for" insert "a".
2. On page 1, strike beginning with "adopt" in line 1
through line 2 and insert "amend section 28-1202, Reissue Revised
Statutes of Nebraska; to adopt the Security Personnel Licensing
Act; to change and provide penalties; to change provisions relating
to concealed weapons; to harmonize provisions; to provide an
operative date; and to repeal the original section.".

LEGISLATIVE BILL 72A. Placed on Select File as amended.
E & R amendment to LB 72A:
AM7145
1. On page 1, line 3; and page 2, lines 5 and 6 and 14
and 15, strike "First Session, 2005" and insert "Second Session,
2006".
2. On page 2, lines 2 and 3, after "Licensing" insert
"Cash"; in lines 2, 9, 11, and 18 strike "FY2005-06" and insert
"FY2006-07"; and in lines 3, 9, 12, and 18 strike "FY2006-07" and
insert "FY2007-08".

LEGISLATIVE BILL 87. Placed on Select File as amended.
E & R amendment to LB 87:
AM7147
1. In the Byars amendment, AM1812:
a. Strike section 4;
b. On page 5, line 6, strike "taken"; and in line 8
strike ", sections" and insert "or";
c. On page 6, line 1, strike "section 20-156" and insert
"this section";
d. On page 10, line 11, strike the semicolon and insert
an underscored period;
e. On page 11, line 2, after "81-1177" insert an
underscored comma; and in line 25 strike "20-158, 71-4728," and
insert "71-4728"; and
f. Renumber the remaining sections accordingly.
2. On page 1, line 2, strike "20-158, 71-4728," and
insert "71-4728"; in line 4 after "Statutes" insert "Cumulative";
and strike beginning with "interpreters" in line 5 through the
second "and" in line 6 and insert "licensure of interpreters; to
redefine terms; to change and provide powers and duties for the
Commission for the Deaf and Hard of Hearing; to change membership
provisions relating to".

LEGISLATIVE BILL 87A. Placed on Select File.

LEGISLATIVE BILL 85. Placed on Select File as amended.
E & R amendment to LB 85:
AM7143

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 12-1106, Reissue Revised Statutes of Nebraska, is amended to read:

12-1106. At the written request of the pre-need purchaser, the first ~~three~~ four thousand dollars, increased annually as provided in this section, paid by the pre-need purchaser which is placed in trust by the pre-need seller may be designated as irrevocable in accordance with the rules and regulations of the Department of Health and Human Services. The Department of Health and Human Services shall increase such amount annually on September 1 beginning with the year 2006 by the percentage change in the Consumer Price Index for All Urban Consumers published by the Federal Bureau of Labor Statistics at the close of the twelve-month period ending on August 31 of such year. Upon default or cancellation any trust funds designated as irrevocable shall be governed by section 12-1113.

Sec. 2. Section 68-129, Reissue Revised Statutes of Nebraska, is amended to read:

68-129. The Director of Health and Human Services shall, by rule and regulation, when determining need for public assistance on the basis of available resources, exclude from the definition of available resources of an applicant for assistance either the funds deposited in an irrevocable trust fund created pursuant to section 12-1106 or up to ~~three~~ four thousand dollars, increased annually as provided in this section, of the amount paid for a policy of insurance the proceeds of which are specifically and irrevocably designated, assigned, or pledged for the payment of the applicant's burial expenses. The Department of Health and Human Services shall increase such amount annually on September 1 beginning with the year 2006 by the percentage change in the Consumer Price Index for All Urban Consumers published by the Federal Bureau of Labor Statistics at the close of the twelve-month period ending on August 31 of such year. This section shall not preclude the eligibility for assistance of an applicant who has purchased such a policy of insurance prior to July 9, 1988, unless such applicant is subject to subdivision (3) of section 68-1002.

Sec. 3. Original sections 12-1106 and 68-129, Reissue Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 85A. Placed on Select File as amended.
E & R amendment to LB 85A:
AM7144

1. On page 1, line 3, strike "First Session, 2005" and insert "Second Session, 2006".

(Signed) Michael Flood, Chairperson

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE BILL 970. Placed on General File as amended.
Standing Committee amendment to LB 970:
AM2053

1. Strike sections 1 and 2 and insert the following new sections:

Section 1. Section 37-413, Reissue Revised Statutes of Nebraska, is amended to read:

37-413. (1) For the purpose of establishing and administering a mandatory firearm hunter education program for persons born on or after January 1, 1977, who hunt with a firearm or crossbow any species of game, game birds, or game animals, the commission shall provide a program of firearm hunter education training leading to obtaining a certificate of successful completion in the safe handling of firearms and shall locate and train volunteer firearm hunter education instructors. The program shall provide a training course having a minimum of (a) ten hours of classroom instruction or (b) independent study on the part of the student sufficient to pass an examination given by the commission followed by such student's participation in a minimum of four hours of practical instruction. The program shall provide instruction in the areas of safe firearms use, shooting and sighting techniques, hunter ethics, game identification, and conservation management. The commission shall issue a firearm hunter education certificate of successful completion to persons having satisfactorily completed a firearm hunter education course accredited by the commission and shall print, purchase, or otherwise acquire materials as necessary for effective program operation.

(2) It shall be unlawful for any person born on or after January 1, 1977, to hunt with a firearm or crossbow any species of game, game birds, or game animals except:

(a) A person under the age of twelve years who is accompanied by a person nineteen years of age or older having a valid hunting permit; ~~and~~

(b) A person ~~born on or after January 1, 1977,~~ who has on his or her person ~~a hunter education certificate of successful completion issued by the person's state or province of residence or a firearm hunter education certificate issued~~ proof of successful completion of a firearm hunter education course issued by this state or the person's state or province of residence or by an accredited program recognized by the commission; or

(c) A person twelve years of age or older who has on his or her person the appropriate hunting permit and an apprentice hunter education exemption issued by the commission and who is accompanied by a person nineteen years of age or older having a valid hunting permit. A person nineteen years of age or older

having a valid hunting permit shall not accompany more than two persons having apprentice hunter education exemptions at the same time.

(3) An apprentice hunter education exemption may be issued to a person born on or after January 1, 1977, and who is twelve years of age or older once during such person's lifetime upon payment of a fee of five dollars and shall be valid for a period of one calendar year. The commission may adopt and promulgate rules and regulations allowing for the issuance of apprentice hunter education exemptions. All fees collected under this subsection shall be remitted to the State Treasurer for credit to the State Game Fund.

(4) For purposes of this section, accompanied means under the direct supervision of a person nineteen years of age or older having a valid hunting permit who is at all times in unaided visual and verbal communication with the person having an apprentice hunter education exemption.

Sec. 2. Section 37-414, Reissue Revised Statutes of Nebraska, is amended to read:

37-414. (1) The commission shall establish and administer a bow hunter education program consisting of a minimum of (a) ten hours of classroom instruction or (b) independent study on the part of the student sufficient to pass an examination given by the commission followed by such student's participation in a minimum of four hours of practical instruction. The program shall provide instruction in the safe use of bow hunting equipment, the fundamentals of bow hunting, shooting and hunting techniques, game identification, conservation management, and hunter ethics. When establishing such a program, the commission shall recruit and train ~~volunteers as bow hunter education training~~ instructors. The commission shall issue a certificate of successful completion to any person who satisfactorily completes a bow hunter education program established by the commission and shall print, purchase, or otherwise acquire materials necessary for effective program operation. The commission shall adopt and promulgate rules and regulations for carrying out and administering such program.

(2) A person born on or after January 1, 1977, who is twelve years of age or older and who is hunting antelope, deer, elk, mountain sheep, or wild turkey with a bow and arrow pursuant to any provision of sections 37-447 to 37-453 and 37-457 shall have on his or her person (a) proof of successful completion of a bow hunter education ~~certificate of successful completion~~ course issued by Nebraska or his or her state or province of residence or ~~a bow hunter education certificate issued~~ by an accredited program recognized by the commission or (b) an apprentice hunter education exemption issued by the commission pursuant to section 37-413. Any person bow hunting with an apprentice hunter education exemption shall be accompanied by a person nineteen years of age or older having a valid hunting permit, and such person nineteen years of

age or older shall not accompany more than two persons having apprentice hunter education exemptions at the same time.

(3) For purposes of this section, accompanied means under the direct supervision of the person nineteen years of age or older having a valid hunting permit who is at all times in unaided visual and verbal communication with the person having an apprentice hunter education exemption.

(Signed) Ed Schrock, Chairperson

NOTICE OF COMMITTEE HEARING
Health and Human Services
Room 1510

Thursday, February 9, 2006 1:00 p.m.
US Department of Health and Human Services - Briefing

(Signed) Jim Jensen, Chairperson

MESSAGE FROM THE GOVERNOR

January 31, 2006

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Please withdraw the following name from confirmation to the State Emergency Response Commission due to her resignation:

Captain Julie Maaske, State Patrol, 1600 Hwy 2, Lincoln NE 68502

Thank you.

Sincerely,
(Signed) Dave Heineman
Governor

web/

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 281, 282, and 283 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 281, 282, and 283.

GENERAL FILE

LEGISLATIVE BILL 876. Title read. Considered.

The Standing Committee amendment, AM1997, found on page 478, was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following amendment:
FA377
P. 9, line 18 strike "only" and show as stricken, and after "required" insert "only".

The Chambers amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Senator Chambers offered the following amendment:
FA378
P. 9, line 22 reinstate old language, strike new language.

The Chambers amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 975. Title read. Considered.

The Standing Committee amendment, AM2002, printed separately and referred to on page 500, was considered.

Senator Chambers offered the following amendment to the Standing Committee amendment:
FA379
Amend AM2002
P. 6, line 16 and page 7, line 13 after "available" insert "scientific"

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Chambers amendment was adopted with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment, as amended, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

SENATOR CUDABACK PRESIDING

PRESIDENT SHEEHY PRESIDING

Senator Schrock moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Advanced to E & R for review with 42 ayes, 0 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Senator Synowiecki filed the following amendment to LB 99:
AM2060

1. On page 6, line 20, strike "2006-07" and insert "2007-08".
2. On page 24, line 3, strike "2006" and insert "2007".

Senator Brown filed the following amendment to LB 99:
AM2073

1. On page 8, line 28, strike "and".
2. On page 9, line 2, after "mills" insert "; and
(19) Conveyances in churches".

Senator Brown filed the following amendment to LB 99:
AM2074

1. On page 2, line 12, strike "stairway chair lift,".
2. On page 7, line 4, strike "and stairway chair lifts".
3. On page 8, line 28, strike "and".
4. On page 9, line 2, after "mills" insert "; and
(19) Stairway chair lifts".

ANNOUNCEMENT

The Transportation and Telecommunications Committee designates LB 1222 as its priority bill.

STANDING COMMITTEE REPORTS
General Affairs

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Vicki Bromm - Nebraska Arts Council
Joan Gibson - Nebraska Arts Council
Julie Jacobson - Nebraska Arts Council
Robin Koozer - Nebraska Arts Council
Art Thompson - Nebraska Arts Council
Kathleen Watson - Nebraska Arts Council

VOTE: Aye: Senators Connealy, Erdman, Fischer, Friend, Janssen, Landis, Wehrbein. Nay: None. Absent: Senator Cornett.

(Signed) Ray Janssen, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 789. Placed on General File.

(Signed) Tom Baker, Chairperson

General Affairs

LEGISLATIVE BILL 1004. Placed on General File as amended.
Standing Committee amendment to LB 1004:
AM2059

1. Strike original sections 1, 2, and 3.
2. On page 9, line 14, strike "53-101,".
3. Renumber the remaining sections accordingly.

(Signed) Ray Janssen, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 1008. Placed on General File as amended.
Standing Committee amendment to LB 1008:
AM1880

1. On page 6, strike line 8 and insert "<u>but not more than 2 years 15.00 2.75 12.25 0</u>".

(Signed) Tom Baker, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1003. Placed on Select File as amended.
E & R amendment to LB 1003:
AM7149

1. In the Standing Committee amendments, AM1935:

a. On page 3, line 22, strike "effective date of this act" and insert "operative date of this section";

b. On page 36, line 23, strike "subdivision", show as stricken, and insert "subsection"; and

c. On page 38, line 9, strike "subsection" and insert "section".

2. On page 1, strike beginning with "motor fuels" in line 1 through line 4 and insert "revenue and taxation; to amend sections 53-164.01, 53-165, 77-27,191, and 77-5544, Reissue Revised Statutes of Nebraska, sections 13-203 and 66-489, Revised Statutes Cumulative Supplement, 2004, and sections 49-801.01, 77-2717, 77-27,187.01, 77-27,194, 77-5719, 77-5723, 77-5725, 77-5727, 77-5728, 77-5903, and 81-12,127, Revised Statutes Supplement, 2005; to change a provision relating to references to the Internal Revenue Code; to change provisions relating to alcohol tax reports; to change a tax exemption relating to motor fuels sold on Indian reservations; to change provisions relating to income tax and tax incentive programs; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 14. Placed on Select File as amended.
E & R amendment to LB 14:
AM7148

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 66-1840, Reissue Revised Statutes of Nebraska, is amended to read:

66-1840. (1) Whenever, in order to carry out the duties imposed upon it by law, the commission, in a proceeding upon its own motion, on complaint, or upon an application to it, including rate filings, deems it necessary to investigate any jurisdictional utility or make appraisals of the property of any jurisdictional utility, such utility, in case the expenses reasonably attributable to such investigation or appraisal exceed the sum of one hundred dollars, including both direct and indirect expenses incurred by the commission or its staff, shall pay such expenses which shall be assessed against such utility by the commission. Such expenses shall be assessed beginning on the date that the proceeding is filed or beginning three business days after the commission gives the utility notice of the assessment by United States mail, whichever is later. The commission shall give such utility

notice and opportunity for a hearing in accordance with rules and regulations adopted and promulgated pursuant to section 75-110. At such hearing, the utility may be heard as to the necessity of such investigation or appraisal and may show cause, if any, why such investigation or appraisal should not be made or why the costs thereof should not be assessed against such utility. The finding of the commission as to the necessity of the investigation or appraisal and the assessment of the expenses thereof shall be conclusive, except that no such utility shall be liable for payment of any such expenses incurred by the commission in connection with any proceeding before or within the jurisdiction of any federal regulatory body.

(2) The commission shall ascertain the expenses of any such investigation or appraisal and by order assess such expenses against the jurisdictional utility investigated or whose property is appraised in such proceeding and shall render a bill therefor, by United States mail, to the ~~natural gas public~~ jurisdictional utility, either at the conclusion of the investigation or appraisal or from time to time during such investigation or appraisal. Such bill shall constitute notice of such assessment and demand of payment thereof. Upon a bill rendered to such utility, within fifteen days after the mailing thereof, such utility shall pay to the commission the amount of the assessment for which it is billed. Such payment when made shall be remitted by the commission to the State Treasurer for credit to the Public Service Commission Regulation Fund for the use of the commission. The total amount, in any one fiscal year, for which any utility shall be assessed under this section shall not exceed the following: (a) For a jurisdictional utility that has not filed an annual report with the commission as provided in the State Natural Gas Regulation Act prior to the beginning of the commission's fiscal year, actual expenses, including direct and indirect expenses, incurred by the commission; and (b) for any other jurisdictional utility, ~~six tenths of~~ one percent of the utility's gross operating jurisdictional revenue less gas cost derived from intrastate natural gas utility business as reflected in the last annual report filed with the commission pursuant to the act prior to the beginning of the commission's fiscal year. The commission may render bills in one fiscal year for costs incurred within a previous fiscal year.

(3) The commission, in accordance with the procedures prescribed by subsection (2) of this section, may assess against an entity, other than an individual residential ratepayer or individual agricultural ratepayer, that is not subject to assessment pursuant to subsection (1) of this section actual expenses of any services extended, filings processed, or actions certified by the commission for the entity.

Sec. 2. Section 66-1841, Reissue Revised Statutes of Nebraska, is amended to read:

66-1841. (1) The commission shall determine, within ~~fifteen~~ thirty days after each quarter-year for each such quarter-year, the total amount of its expenditures during such period of time. The total amount shall include the salaries of members and employees and all other lawful expenditures of the commission, including all expenditures in connection with investigations or appraisals made under the State Natural Gas Regulation Act, except that there shall not be included in such total amount of expenditures for the purpose of this section the expenditures during such period of time which are otherwise provided for by fees and assessments pursuant to the act.

(2) From the amount determined under subsection (1) of this section, the commission shall deduct (a) all amounts collected under section 66-1840 during such period of time and (b) all other funds collected with regard to jurisdictional utilities.

(3) To the remainder, after making the deductions under subsection (2) of this section, the commission shall add such amount as in its judgment may be required to satisfy any deficiency in the prior assessment period's assessment and to provide for anticipated increases in necessary expenditures for the current assessment period.

(4) The amount determined under subsections (1) through (3) of this section shall be assessed by the commission against all jurisdictional utilities and shall not exceed, during any fiscal year, the greater of one hundred dollars or each utility's proportionate share of the total amount determined under this section based upon meters served by each utility as a proportion of all meters of jurisdictional utilities. Such assessment shall be paid to the commission within fifteen days after the notice of assessment has been mailed to such utilities, which notice of assessment shall constitute demand of payment thereof.

(5) The commission shall remit all money received by or for it for the assessment imposed under this section to the State Treasurer for credit to the Public Service Commission Regulation Fund.

~~(6) The commission shall not, pursuant to this section, assess a total of more than two hundred fifty thousand dollars in a fiscal year, exclusive of uncollectible fees and assessments charged or assessed pursuant to this section. This subsection terminates on June 30, 2005.~~

~~(7)(a)~~ (6)(a) Until June 1, 2007, a jurisdictional utility may recover the amount of any assessments or charges paid to the commission pursuant to this section and section 66-1840 through a special surcharge on ratepayers which may be billed on the monthly statements for up to a twelve-month period immediately following their payment by the jurisdictional utility. The surcharge shall be shown on the statements as a charge for state regulatory assessments. The commission shall permit the utility to include in such surcharge interest upon the amount of

the charges and assessments paid to the commission prior to their recovery from ratepayers. Such interest shall be at a rate not to exceed the rate established by section 45-103.

(b) On and after June 1, 2007, the commission by general rule and regulation shall authorize the recovery of the amount of any assessments or charges paid to the commission pursuant to this section and section 66-1840 in a general rate filing or through a special surcharge which may be billed on the monthly statements for up to a twelve-month period immediately following their payment by the jurisdictional utility.

Sec. 3. Original sections 66-1840 and 66-1841, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.

2. On page 1, line 3, after "change" insert "and eliminate" and after the last "to" insert "assessments by"; in line 4 strike "and"; and in line 5 after "sections" insert "; and to declare an emergency".

(Signed) Michael Flood, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 99A. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 99, Ninety-ninth Legislature, Second Session, 2006.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs
Room 1507

LB 1030	Wednesday, February 8, 2006	1:30 p.m.
LB 1084	Wednesday, February 8, 2006	1:30 p.m.
LB 1170	Wednesday, February 8, 2006	1:30 p.m.
LB 1245	Wednesday, February 8, 2006	1:30 p.m.

Wednesday, February 8, 2006 1:30 p.m.
Richard Christensen - State Emergency Response Commission
Tim Hofbauer - State Emergency Response Commission

LB 989	Thursday, February 9, 2006	1:30 p.m.
LB 1154	Thursday, February 9, 2006	1:30 p.m.
LB 1184	Thursday, February 9, 2006	1:30 p.m.
LB 1246	Thursday, February 9, 2006	1:30 p.m.

Thursday, February 9, 2006		1:30 p.m.
Mark Reimers - State Emergency Response Commission		
LB 894	Friday, February 10, 2006	1:30 p.m.
LB 1067	Friday, February 10, 2006	1:30 p.m.
LB 1102	Friday, February 10, 2006	1:30 p.m.
LR 273CA	Friday, February 10, 2006	1:30 p.m.
Friday, February 10, 2006		1:30 p.m.
Lucinda Glen - State Personnel Board		
LB 973	Wednesday, February 15, 2006	1:30 p.m.
LB 1182	Wednesday, February 15, 2006	1:30 p.m.
LB 1236	Wednesday, February 15, 2006	1:30 p.m.
LB 1059	Thursday, February 16, 2006	1:30 p.m.
LB 1106	Thursday, February 16, 2006	1:30 p.m.
LB 1185	Thursday, February 16, 2006	1:30 p.m.
Thursday, February 16, 2006		1:30 p.m.
Brian Tessman - State Personnel Board		

(Signed) DiAnna R. Schimek, Chairperson

VISITORS

Visitors to the Chamber were Gordon and Nancy Schaub from Scottsbluff; and 42 fourth-grade students and teachers from Longfellow Elementary School, Hastings.

The Doctor of the Day was Dr. Bernie Hillyer from Valley.

ADJOURNMENT

At 11:52 a.m., on a motion by Senator Howard, the Legislature adjourned until 9:00 a.m., Thursday, February 2, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTIETH DAY - FEBRUARY 2, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 2, 2006

PRAYER

The prayer was offered by Senator Kremer.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Brashear, Brown, Cornett, Heidemann, Louden, Mines, and Stuthman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the nineteenth day was approved.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs
Room 1507

Wednesday, February 15, 2006 1:30 p.m.
Allen Grell - State Emergency Response Commission

(Signed) DiAnna R. Schimek, Chairperson

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 917. Placed on General File as amended.
Standing Committee amendment to LB 917:
AM2072

1. Strike original section 5 and insert the following new sections:

Sec. 5. Any waiver of the provisions of the Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006 is contrary to public policy and is void and

unenforceable.

Sec. 6. For purposes of the Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006, the Attorney General may issue subpoenas, and may seek and recover direct economic damages for each affected Nebraska resident injured by a violation of the act.

2. On page 2, line 1, strike "6" and insert "7"; after line 23 insert the following new subdivision:

"(3) Encrypted means converted by use of an algorithmic process to transform data into a form in which the data is rendered unreadable or unusable without use of a confidential process or key;"; and in line 24 strike "(3)" and insert "(4)".

3. On page 4, line 10, strike "individual" and insert "individual's"; in line 11 strike "entities" and insert "entity's"; and in line 24 strike "or".

4. On page 5, line 3, after "account" insert ";

(d) Unique electronic identification number or routing code, in combination with any required security code, access code, or password; or

(e) Unique biometric data, such as a fingerprint, voice print, or retina or iris image, or other unique physical representation"; and strike lines 7 through 11 and insert the following new subdivision:

"(6) Redact means to alter or truncate data such that no more than the last four digits of a social security number, motor vehicle operator's license number, state identification card number, or account number is accessible as part of the personal information.".

5. On page 6, line 12, after "breach" insert ", not including information proprietary to the individual or commercial entity".

6. On page 7, line 23, strike "a" and insert "the".

7. Renumber the remaining section accordingly.

LEGISLATIVE BILL 864. Indefinitely postponed.
LEGISLATIVE BILL 1240. Indefinitely postponed.

(Signed) Mick Mines, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 1085. Placed on General File as amended.
Standing Committee amendment to LB 1085:
AM2078

1. On page 2, line 21, strike "109-73" and insert "109-59".

(Signed) Tom Baker, Chairperson

ANNOUNCEMENT

The Agriculture Committee designates LB 856 as its priority bill.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 1, 2006, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Boehm, John M.
R & F Hobbies, Inc, d/b/a Prince of the Road

Campbell, Mary M./Campbell & Associates
(Withdrawn 01/30/2006) Friends of the Nebraska Environmental Trust

Carlson, J. Matt
Lincoln Chamber of Commerce

Cavanaugh Law Firm, PC, LLO
Joslyn Art Museum

Cavanaugh, John Sr.
Cavanaugh Law Firm PC, LLO

Chermok, Ruth
Electrical Contractors Association, National

Dennhardt, Dean
Ameriquest Mortgage

Lengel, Patricia
Wineries and Grape Growers Association, Nebraska

Pappas, James E.
Access Elevator, Inc.

REPORTS

The following reports were received by the Legislature:

Administrative Services, Department of
Comprehensive Annual Financial Report FY 2005
Criminal Justice, Commission on Law Enforcement and
Crime Victim's Reparations Program, Nineteenth Report, July 1, 2004 -

June 30, 2005

Motor Vehicles, Department of

Operator's Licenses Suspended Annual Report (License Suspension Act, LB 752 Laws 1997)

Public Service Commission

2005 Annual Report on Telecommunications

Railway Council

Annual Report

GENERAL FILE

LEGISLATIVE BILL 75. Senator Beutler renewed his pending motion, found on page 509, to suspend Rule 7, Section 3(d), to permit consideration of AM2042 to LB 75.

Senator Beutler moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Beutler motion to suspend the rules prevailed with 37 ayes, 0 nays, and 12 present and not voting.

The Chair declared the call raised.

The Landis-Beutler pending amendment, AM2042, found on page 500, to the Standing Committee amendment, was renewed.

Senator Beutler moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Chambers requested a roll call vote on the Landis-Beutler amendment.

Voting in the affirmative, 35:

Aguilar	Cudaback	Howard	Landis	Redfield
Baker	Cunningham	Hudkins	Mines	Schimek
Beutler	Engel	Janssen	Pedersen, Dw.	Schrock
Brown	Flood	Jensen	Pederson, D.	Smith
Burling	Foley	Johnson	Preister	Stuhr
Byars	Friend	Kremer	Price	Thompson
Connealy	Heidemann	Kruse	Raikes	Wehrbein

Voting in the negative, 6:

Chambers	Langemeier	Pahls
Kopplin	Louden	Stuthman

Present and not voting, 6:

Bourne	Erdman	McDonald
Cornett	Fischer	Synowiecki

Excused and not voting, 2:

Brashear	Combs

The Landis-Beutler amendment was adopted with 35 ayes, 6 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment, AM0022, found on page 382, First Session, 2005, and considered on page 509, as amended, was renewed.

Senator Chambers offered the following amendment to the Standing Committee amendment:
FA382
Amend AM2042
P. 1, in lines 17, 18 and in line 22 strike "governmental or".

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 2 nays, and 28 not voting.

The Chambers amendment was adopted with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the Standing Committee amendment:
FA383
Amend AM2042
P. 1, line 18 after "manner" insert "required"

The Chambers amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Agriculture

LEGISLATIVE BILL 855. Placed on General File as amended.
Standing Committee amendment to LB 855:
AM2033
1. On page 3, line 25; and page 6, line 1, after "swine," insert "bison,".
2. On page 6, line 5, after "location" insert ", as

defined in rules and regulations of the department".

3. On page 10, lines 14 and 21; and page 11, line 1, after "misdemeanor" insert "for the first violation and a Class I misdemeanor for any subsequent violation".

(Signed) Bob Kremer, Chairperson

Judiciary

LEGISLATIVE BILL 1014. Placed on General File.

LEGISLATIVE BILL 173. Placed on General File as amended.
Standing Committee amendment to LB 173:
AM2018

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 69-1301, Reissue Revised Statutes of Nebraska, is amended to read:

69-1301. As used in the Uniform Disposition of Unclaimed Property Act unless the context otherwise requires:

(a) Banking organization means any bank, trust company, savings bank, industrial bank, land bank, or safe deposit company.

(b) Business association means any corporation (other than a public corporation), joint-stock company, business trust, partnership, limited liability company, or association for business purposes of two or more individuals.

(c) Financial organization means any savings and loan association, building and loan association, credit union, cooperative bank, or investment company, engaged in business in this state.

(d) General use prepaid card means a plastic card or other electronic payment device usable with multiple, unaffiliated sellers of goods or services.

~~(d)~~ (e) Holder means any person in possession of property subject to the act belonging to another, or who is trustee in case of a trust, or is indebted to another on an obligation subject to the act.

~~(e)~~ (f) Life insurance corporation means any association or corporation transacting within this state the business of insurance on the lives of persons or insurance appertaining thereto, including, but not by way of limitation, endowments and annuities.

~~(f)~~ (g) Owner means a depositor in case of a deposit, a beneficiary in case of a trust, a creditor, claimant, or payee in case of other choses in action, or any person having a legal or equitable interest in property subject to the act, or his or her legal representative.

~~(g)~~ (h) Person means any individual, business association, governmental or political subdivision, public

corporation, public authority, estate, trust, two or more persons having a joint or common interest, or any other legal or commercial entity.

~~(h)~~ (i) Utility means any person who owns or operates within this state, for public use, any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.

Sec. 2. Section 69-1305.02, Reissue Revised Statutes of Nebraska, is amended to read:

69-1305.02. (a) ~~A~~ No gift certificate, gift card, or a credit memo ~~that remains unredeemed for more than three years after issuance is~~ shall be presumed abandoned unless it remains unredeemed for more than three years after its date of issuance and contains an expiration date or requires any type of post-sale finance charge or fee.

(b) In the case of a gift certificate or gift card, the amount presumed abandoned is the face amount of the certificate or card itself, less the total amount of any applicable purchases and fees. In the case of a credit memo, the amount presumed abandoned is the amount credited, as shown on the memo itself.

(c) Any gift certificate, gift card, or credit memo subject to a fee shall contain a statement clearly and conspicuously printed on it stating whether there is a fee, the amount of the fee, how often the fee will occur, that the fee is triggered by inactivity of the gift certificate, gift card, or credit memo, and at what point the fee will be charged. The statement may appear on the front or back of the gift certificate, gift card, or credit memo in a location where it is visible to a purchaser prior to the purchase.

(d) Any gift certificate, gift card, or credit memo subject to an expiration date shall contain a statement clearly and conspicuously printed on the gift certificate, gift card, or credit memo stating the expiration date. The statement may appear on the front or back of the gift certificate, gift card, or credit memo in a location where it is visible to a purchaser prior to the purchase.

(e) Notwithstanding subsection (a) of this section, a gift certificate, gift card, or credit memo containing an expiration date or requiring any type of post-sale charge or fee shall not be presumed abandoned if:

(1) The policy and practice of the issuer is to waive all post-sale charges or fees and, at no additional cost to the holder, honor such gift certificate, gift card, or credit memo, whenever presented, at full face value or the value remaining after any applicable purchases, expiration date notwithstanding; and

(2) Written notice of such policy and practice is posted conspicuously, in not smaller than ten point type, at each site in all Nebraska locations at which the issuer distributes or redeems a

gift certificate, gift card, or credit memo.

This subsection only applies to a gift certificate, gift card, or credit memo issued prior to the effective date of this act.

(f) This section does not apply to a general use prepaid card.

Sec. 3. Section 69-1308, Reissue Revised Statutes of Nebraska, is amended to read:

69-1308. ~~All~~ (a) Except as provided in subsection (b) of this section, all intangible personal property, not otherwise covered by the Uniform Disposition of Unclaimed Property Act, including any income or increment thereon and deducting any lawful charges, that is held or owing in this state in the ordinary course of the holder's business and has remained unclaimed by the owner for more than five years after it became payable or distributable , is presumed abandoned.

(b) The unredeemed value of a general use prepaid card, including any income or increment thereon and deducting any lawful charges, that is held or owing in this state in the ordinary course of the holder's business and has remained unclaimed by the owner for more than five years after the last transaction initiated by the card owner is presumed abandoned.

Sec. 4. Original sections 69-1301, 69-1305.02, and 69-1308, Reissue Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 918. Indefinitely postponed.

(Signed) Patrick J. Bourne, Chairperson

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Mark Czaplewski - Environmental Quality Council

VOTE: Aye: Senators Hudkins, Kopplin, Kremer, Louden, McDonald, Schrock, Smith, Stuhr. Nay: None. Absent: None.

(Signed) Ed Schrock, Chairperson

Agriculture

The Agriculture Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Jamie Karl - Climate Assessment Response Committee

VOTE: Aye: Senators Burling, Chambers, Cunningham, Erdman, Fischer, Preister, Kremer, Wehrbein. Nay: None. Absent: None.

(Signed) Bob Kremer, Chairperson

AMENDMENTS - Print in Journal

Senator Brown filed the following amendment to LB 99:
AM2095

1. On page 2, line 12, strike "stairway chair lift,".
2. On page 3, strike beginning with "one" in line 9 through the semicolon in line 10; and strike beginning with "and" in line 11 through "installation" in line 14.
3. On page 7, strike beginning with the colon in line 2 through line 4 and insert "elevators.".
4. On page 8, line 28, strike "and".
5. On page 9, line 2, after "mills" insert "; and
(19) Stairway chair lifts and platform lifts".

Senators Redfield and Mines filed the following amendment to LB 876:
AM2102

1. Insert the following new sections:

Section 1. Sections 1 to 7 of this act shall be known and may be cited as the Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006.

Sec. 2. For purposes of the Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006:

(1) Breach of the security of the system means the unauthorized acquisition of unencrypted computerized data that compromises the security, confidentiality, or integrity of personal information maintained by an individual or a commercial entity. Good faith acquisition of personal information by an employee or agent of an individual or a commercial entity for the purposes of the individual or the commercial entity is not a breach of the security of the system if the personal information is not used or subject to further unauthorized disclosure. Acquisition of personal information pursuant to a search warrant, subpoena, or other court order or pursuant to a subpoena or order of a state agency is not a breach of the security of the system;

(2) Commercial entity includes a corporation, business trust, estate, trust, partnership, limited partnership, limited liability partnership, limited liability company, association, organization, joint venture, government, governmental subdivision, agency, or instrumentality, or any other legal entity, whether for profit or not for profit;

(3) Encrypted means converted by use of an algorithmic process to transform data into a form in which the data is rendered unreadable or unusable without use of a confidential process or

key;

(4) Notice means:

(a) Written notice;

(b) Telephonic notice;

(c) Electronic notice, if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 U. S. C. 7001, as such section existed on January 1, 2006;

(d) Substitute notice, if the individual or commercial entity required to provide notice demonstrates that the cost of providing notice will exceed seventy-five thousand dollars, that the affected class of Nebraska residents to be notified exceeds one hundred thousand residents, or that the individual or commercial entity does not have sufficient contact information to provide notice. Substitute notice under this subdivision requires all of the following:

(i) Electronic mail notice if the individual or commercial entity has electronic mail addresses for the members of the affected class of Nebraska residents;

(ii) Conspicuous posting of the notice on the web site of the individual or commercial entity if the individual or commercial entity maintains a web site; and

(iii) Notice to major statewide media outlets; or

(e) Substitute notice, if the individual or commercial entity required to provide notice has ten employees or fewer and demonstrates that the cost of providing notice will exceed ten thousand dollars. Substitute notice under this subdivision requires all of the following:

(i) Electronic mail notice if the individual or commercial entity has electronic mail addresses for the members of the affected class of Nebraska residents;

(ii) Notification by a paid advertisement in a local newspaper that is distributed in the geographic area in which the individual or commercial entity is located, which advertisement shall be of sufficient size that it covers at least one-quarter of a page in the newspaper and shall be published in the newspaper at least once a week for three consecutive weeks;

(iii) Conspicuous posting of the notice on the web site of the individual or commercial entity if the individual or commercial entity maintains a web site; and

(iv) Notification to major media outlets in the geographic area in which the individual or commercial entity is located;

(5) Personal information means a Nebraska resident's first name or first initial and last name in combination with any one or more of the following data elements that relate to the resident if either the name or the data elements are not encrypted , redacted, or otherwise altered by any method or technology in such a manner that the name or data elements are unreadable:

(a) Social security number;

(b) Motor vehicle operator's license number or state identification card number;

(c) Account number or credit or debit card number, in combination with any required security code, access code, or password that would permit access to a resident's financial account;

(d) Unique electronic identification number or routing code, in combination with any required security code, access code, or password; or

(e) Unique biometric data, such as a fingerprint, voice print, or retina or iris image, or other unique physical representation.

Personal information does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records; and

(6) Redact means to alter or truncate data such that no more than the last four digits of a social security number, motor vehicle operator's license number, state identification card number, or account number is accessible as part of the personal information.

Sec. 3. (1) An individual or a commercial entity that conducts business in Nebraska and that owns or licenses computerized data that includes personal information about a resident of Nebraska shall, when it becomes aware of a breach of the security of the system, conduct in good faith a reasonable and prompt investigation to determine the likelihood that personal information has been or will be used for an unauthorized purpose. If the investigation determines that the use of information about a Nebraska resident for an unauthorized purpose has occurred or is reasonably likely to occur, the individual or commercial entity shall give notice to the affected Nebraska resident. Notice shall be made as soon as possible and without unreasonable delay, consistent with the legitimate needs of law enforcement and consistent with any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the computerized data system.

(2) An individual or a commercial entity that maintains computerized data that includes personal information that the individual or commercial entity does not own or license shall give notice to and cooperate with the owner or licensee of the information of any breach of the security of the system when it becomes aware of a breach if use of personal information about a Nebraska resident for an unauthorized purpose occurred or is reasonably likely to occur. Cooperation includes, but is not limited to, sharing with the owner or licensee information relevant to the breach , not including information proprietary to the individual or commercial entity .

(3) Notice required by this section may be delayed if

a law enforcement agency determines that the notice will impede a criminal investigation. Notice shall be made in good faith, without unreasonable delay, and as soon as possible after the law enforcement agency determines that notification will no longer impede the investigation.

Sec. 4. (1) An individual or a commercial entity that maintains its own notice procedures which are part of an information security policy for the treatment of personal information and which are otherwise consistent with the timing requirements of section 3 of this act, is deemed to be in compliance with the notice requirements of section 3 of this act if the individual or the commercial entity notifies affected Nebraska residents in accordance with its notice procedures in the event of a breach of the security of the system.

(2) An individual or a commercial entity that is regulated by state or federal law and that maintains procedures for a breach of the security of the system pursuant to the laws, rules, regulations, guidances, or guidelines established by its primary or functional state or federal regulator is deemed to be in compliance with section 3 of this act if the individual or commercial entity notifies affected Nebraska residents in accordance with the maintained procedures in the event of a breach of the security of the system.

Sec. 5. Any waiver of the provisions of the Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006 is contrary to public policy and is void and unenforceable.

Sec. 6. For purposes of the Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006, the Attorney General may issue subpoenas and seek and recover direct economic damages for each affected Nebraska resident injured by a violation of the act.

Sec. 7. The Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006 applies to the discovery of or notification pertaining to a breach of the security of the system that occurs on or after the operative date of this section.

2. On page 12, lines 14 and 15, strike "10 and 11" and insert "17 and 18".

3. On page 18, line 15, strike "21" and insert "28".

4. On page 37, strike beginning with "1" in line 18 through "25" in line 19 and insert "1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 32".

5. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 75. The Standing Committee amendment, AM0022, found on page 382, First Session, 2005, and considered on page 509 and in this day's Journal, as amended, was renewed.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Senator Landis withdrew his pending amendment, AM1902, found on page 393.

Senator Chambers offered the following motion:
Indefinitely postpone LB 75.

Senator Chambers withdrew his motion.

Senator Beutler moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Beutler requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 33:

Aguilar	Cornett	Heidemann	Kruse	Raikes
Baker	Cudaback	Howard	Landis	Redfield
Beutler	Cunningham	Hudkins	Mines	Schimek
Brashear	Engel	Janssen	Pedersen, Dw.	Smith
Burling	Fischer	Jensen	Pederson, D.	Synowiecki
Byars	Flood	Johnson	Preister	
Connealy	Foley	Kremer	Price	

Voting in the negative, 2:

Chambers	Kopplin

Present and not voting, 4:

Erdman	Louden	McDonald	Pahls

Excused and not voting, 10:

Bourne	Combs	Langemeier	Stuhr	Thompson
Brown	Friend	Schrock	Stuthman	Wehrbein

Advanced to E & R for review with 33 ayes, 2 nays, 4 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 248. Title read. Considered.

The Standing Committee amendment, AM0147, found on page 400, First Session, 2005, was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Senator Baker renewed his pending amendment, AM1859, found on page 311.

Senator Baker offered the following amendment to his pending amendment:
FA381
Amend AM1859
On page 2, line 5, strike "50" and insert "35"; line 6 strike "75" and insert "45"; line 7 strike "100" and insert "60"; line 8 strike "125" and insert "100"; line 9 strike "150" and insert "140".

Senator Baker moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The Baker amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

The Baker amendment, AM1859, as amended, was adopted with 30 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

Senator Baker withdrew his pending amendment, AM1820, found on page 392.

Advanced to E & R for review with 32 ayes, 0 nays, 5 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 1140. Placed on General File.

(Signed) Elaine Stuhr, Chairperson

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendments to LB 249:
FA384
P. 7, line 22 strike "that" and show as stricken, and insert "who".

FA385
P. 2, line 6 strike "designated" and insert "established".

FA386
P. 7 strike beginning with "subject" in line 25 through "appropriate" in line 27, and show as stricken, and insert "removed from office or discharged".

FA387
P. 4 strike lines 20, 21 and show as stricken.

VISITORS

Visitors to the Chamber were 68 high-school students and teachers from Elkhorn; and 53 participants and extension educator from Extension Leadership Plenty Program, UNL.

The Doctor of the Day was Dr. Amber Tyler from Omaha.

ADJOURNMENT

At 12:07 p.m., on a motion by Senator Friend, the Legislature adjourned until 10:00 a.m., Monday, February 6, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-FIRST DAY - FEBRUARY 6, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 6, 2006

PRAYER

The prayer was offered by Pastor Gordon Paulsen, Gibbon Baptist Church, Gibbon.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Byars who was excused; and Senators D. Pederson and Wehrbein who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twentieth day was approved.

MESSAGE FROM THE GOVERNOR

February 6, 2006

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 548, 588, 693e, 764, and 765e were received in my office on January 31, 2006.

I signed these bills and delivered them to the Secretary of State on February 6, 2006.

Sincerely,
(Signed) Dave Heineman

Governor

ANNOUNCEMENTS

Senator Stuhr designates LB 690 as her priority bill.

Senator D. Pederson designates LB 605 as his priority bill.

Senator Louden designates LB 996 as his priority bill.

Senator Kruse designates LB 845 as his priority bill.

Senator Friend designates LB 925 as his priority bill.

Senator Beutler designates LB 554 as his priority bill.

Senator Hudkins designates LB 173 as her priority bill.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 876. Placed on Select File as amended.
(E & R amendment, AM7150, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 975. Placed on Select File as amended.
E & R amendment to LB 975:
AM7152

1. In the Standing Committee amendments, AM2002:

a. On page 4, line 11, strike "Pollution" and insert "Pollutant";

b. On page 7, line 6, after "A" insert "stream";

c. On page 14, line 5, after " permit " insert an underscored comma; and

d. On page 24, strike beginning with "Sections" in line 6 through the period in line 7; in line 8 strike "17, 19, and 20" and insert "and 19"; and in line 9 after the period insert "The other sections of this act become operative on their effective date.".

2. On page 1, line 3, strike "54-2427,"; in line 7 strike "and" and insert "to provide operative dates;"; and in line 8 after "sections" insert "; and to declare an emergency".

LEGISLATIVE BILL 75. Placed on Select File as amended.
E & R amendment to LB 75:
AM7151

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. At the general election in November 2006 the

following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article XI, section 1:

XI-1 No city, county, town, precinct, municipality, or other ~~sub-division~~ subdivision of the state~~,~~ shall ever become a subscriber to the capital stock, or owner of such stock, or any portion or interest therein of any railroad, or private corporation, or association, except that, notwithstanding any other provision of this Constitution, the Legislature may authorize the investment of the public endowment funds of cities, villages, school districts, public power districts, and other political subdivisions in the manner required of a prudent investor who shall act with care, skill, and diligence under the prevailing circumstance and in such investments as the governing body of such city, village, school district, public power district, and other political subdivision, acting in a fiduciary capacity for the exclusive purpose of protecting and benefiting such investment, may determine, subject to such limitations as the Legislature may by statute provide.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to authorize the investment of the public endowment funds of cities, villages, school districts, public power districts, and other political subdivisions in such manner and in such investments as the governing body of such political subdivision may determine, subject to limitations by the Legislature.

For

Against.

2. On page 1, strike beginning with "public" in line 1 through line 6 and insert "political subdivisions; to provide for submission to the electors of an amendment to the Constitution of Nebraska by amending Article XI, section 1, to authorize the investment of public endowment funds by political subdivisions subject to limitations as provided by the Legislature; and to provide for the time and manner of submission and the ballot language for submission.".

LEGISLATIVE BILL 248. Placed on Select File as amended.

E & R amendment to LB 248:

AM7153

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 39-2510, Reissue Revised Statutes of Nebraska, is amended to read:

39-2510. No money derived from fees, excises, sales and use taxes imposed upon motor vehicles, trailers, and semitrailers

pursuant to sections 13-319 and 77-27,142, or license fees relating to registration, operation, or use of vehicles on the public highways, or to fuels used for the propulsion of such vehicles, shall be expended for other than cost of administering laws under which such money is derived, statutory refunds and adjustments provided therein, payment of highway obligations, cost of construction, reconstruction, maintenance, and repair of public highways and bridges and county, city, township, and village roads, streets, and bridges, and all facilities, appurtenances, and structures deemed necessary ~~or desirable~~ in connection with such highways, bridges, roads, and streets, except that the provisions of this section shall not apply to money derived from the motor vehicle operators' license fees or money received from parking meter proceeds, fines, and penalties.

Sec. 2. Section 39-2520, Reissue Revised Statutes of Nebraska, is amended to read:

39-2520. No money derived from fees, excises, sales and use taxes imposed upon motor vehicles, trailers, and semitrailers pursuant to sections 13-319 and 77-27,142, or license fees relating to registration, operation, or use of vehicles on the public highways, or to fuels used for the propulsion of such vehicles, shall be expended for other than cost of administering laws under which such money is derived, statutory refunds and adjustments provided therein, payment of highway obligations, cost of construction, reconstruction, maintenance, and repair of public highways and bridges and county, city, township, and village roads, streets, and bridges, ~~offstreet public parking owned by the municipality,~~ and all facilities, appurtenances, and structures deemed necessary ~~or desirable~~ in connection with such highways, bridges, roads, and streets, except that this section shall not apply to money derived from the motor vehicle operators' license fees or money received from parking meter proceeds, fines, and penalties.

Sec. 3. Section 60-3,187, Revised Statutes Supplement 2005, is amended to read:

60-3,187. (1) The motor vehicle tax schedules are set out in this section.

(2) The motor vehicle tax shall be calculated by multiplying the base tax times the fraction which corresponds to the age category of the vehicle as shown in the following table:

YEAR	FRACTION
First	1.00
Second	0.90
Third	0.80
Fourth	0.70
Fifth	0.60
Sixth	0.51
Seventh	0.42
Eighth	0.33

Ninth	0.24
Tenth and Eleventh	0.15
Twelfth and Thirteenth	0.07
Fourteenth and older	0.00

(3) The base tax shall be:

(a) Automobiles and motorcycles - An amount determined using the following table:

Value when new	Base tax
Up to $3,999	$ 25
$4,000 to $5,999	35
$6,000 to $7,999	45
$8,000 to $9,999	60
$10,000 to $11,999	100
$12,000 to $13,999	140
~~Up to $9,999~~	~~$ 60~~
~~$10,000 to $11,999~~	~~100~~
~~$12,000 to $13,999~~	~~140~~
$14,000 to $15,999	180
$16,000 to $17,999	220
$18,000 to $19,999	260
$20,000 to $21,999	300
$22,000 to $23,999	340
$24,000 to $25,999	380
$26,000 to $27,999	420
$28,000 to $29,999	460
$30,000 to $31,999	500
$32,000 to $33,999	540
$34,000 to $35,999	580
$36,000 to $37,999	620
$38,000 to $39,999	660
$40,000 to $41,999	700
$42,000 to $43,999	740
$44,000 to $45,999	780
$46,000 to $47,999	820
$48,000 to $49,999	860
$50,000 to $51,999	900
$52,000 to $53,999	940
$54,000 to $55,999	980
$56,000 to $57,999	1,020
$58,000 to $59,999	1,060
$60,000 to $61,999	1,100
$62,000 to $63,999	1,140
$64,000 to $65,999	1,180
$66,000 to $67,999	1,220
$68,000 to $69,999	1,260
$70,000 to $71,999	1,300
$72,000 to $73,999	1,340
$74,000 to $75,999	1,380
$76,000 to $77,999	1,420

~~$78,000 and over~~	~~1,460~~
$78,000 to $79,999	1,460
$80,000 to $81,999	1,500
$82,000 to $83,999	1,540
$84,000 to $85,999	1,580
$86,000 to $87,999	1,620
$88,000 to $89,999	1,660
$90,000 to $91,999	1,700
$92,000 to $93,999	1,740
$94,000 to $95,999	1,780
$96,000 to $97,999	1,820
$98,000 to $99,999	1,860
$100,000 and over	1,900

(b) Assembled automobiles - $60

~~(c) Motorcycles - An amount determined using the following table:~~

~~Value when new~~	~~Base tax~~
~~Up to $3,999~~	~~$ 25~~
~~$ 4,000 to $ 5,999~~	~~50~~
~~$ 6,000 to $ 7,999~~	~~75~~
~~$ 8,000 to $ 9,999~~	~~100~~
~~$10,000 to $11,999~~	~~125~~
~~$12,000 to $13,999~~	~~150~~
~~$14,000 to $15,999~~	~~175~~
~~$16,000 to $17,999~~	~~200~~
~~$18,000 to $19,999~~	~~225~~
~~$20,000 and over~~	~~250~~

~~(d)~~ (c) Assembled motorcycles - $25

~~(e)~~ (d) Cabin trailers, up to one thousand pounds - $10

~~(f)~~ (e) Cabin trailers, one thousand pounds and over and less than two thousand pounds - $25

~~(g)~~ (f) Cabin trailers, two thousand pounds and over - $40

~~(h)~~ (g) Recreational vehicles, less than eight thousand pounds - $160

~~(i)~~ (h) Recreational vehicles, eight thousand pounds and over and less than twelve thousand pounds - $410

~~(j)~~ (i) Recreational vehicles, twelve thousand pounds and over - $860

~~(k)~~ (j) Assembled recreational vehicles and buses shall follow the schedules for body type and registered weight

~~(l)~~ (k) Trucks - Over seven tons and less than ten tons - $360

~~(m)~~ (l) Trucks - Ten tons and over and less than thirteen tons - $560

~~(n)~~ (m) Trucks - Thirteen tons and over and less than sixteen tons - $760

~~(o)~~ (n) Trucks - Sixteen tons and over and less than

twenty-five tons - $960

~~(p)~~ (o) Trucks - Twenty-five tons and over - $1,160

~~(q)~~ (p) Buses - $360

~~(r)~~ (q) Trailers other than semitrailers - $10

~~(s)~~ (r) Semitrailers - $110

~~(t) All other motor vehicles not listed in subdivisions (3)(a) through (s) of this section - $310~~

(4) For purposes of subsection (3) of this section, truck means all trucks and combinations of trucks except those trucks, trailers, or combinations thereof registered under section 60-3,198, and the tax is based on the gross vehicle weight rating as reported by the manufacturer.

(5) Current model year vehicles are designated as first-year motor vehicles for purposes of the schedules.

(6) When a motor vehicle is registered which is newer than the current model year by the manufacturer's designation, the motor vehicle is subject to the initial motor vehicle tax in the first registration period and ninety-five percent of the initial motor vehicle tax in the second registration period.

(7) Assembled cabin trailers, assembled recreational vehicles, and assembled buses shall be designated as sixth-year motor vehicles in their first year of registration for purposes of the schedules.

(8) When a motor vehicle is registered which is required to have a title branded as previous salvage pursuant to section ~~60-130~~ 60-175, the motor vehicle tax shall be reduced by twenty-five percent.

Sec. 4. This act becomes operative on January 1, 2007.

Sec. 5. Original sections 39-2510 and 39-2520, Reissue Revised Statutes of Nebraska, and section 60-3,187, Revised Statutes Supplement, 2005, are repealed.

2. On page 1, strike beginning with "section" in line 1 through line 4 and insert "sections 39-2510 and 39-2520, Reissue Revised Statutes of Nebraska, and section 60-3,187, Revised Statutes Supplement, 2005; to change provisions relating to use of certain motor vehicle fees and taxes; to change motor vehicle tax calculations as prescribed; to provide an operative date; and to repeal the original sections.".

(Signed) Michael Flood, Chairperson

MOTION - Approve Appointments

Senator Janssen moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 521:

Nebraska Arts Council
Vicki Bromm
Joan Gibson

Julie Jacobson
Robin Koozer
Art Thompson
Kathleen Watson

Voting in the affirmative, 34:

Aguilar	Connealy	Heidemann	Kruse	Raikes
Baker	Cornett	Howard	Landis	Redfield
Brashear	Cudaback	Hudkins	Langemeier	Schrock
Brown	Cunningham	Janssen	McDonald	Smith
Burling	Erdman	Johnson	Pahls	Stuhr
Chambers	Fischer	Kopplin	Pedersen, Dw.	Stuthman
Combs	Foley	Kremer	Price	

Voting in the negative, 0.

Present and not voting, 12:

Beutler	Flood	Louden	Schimek
Bourne	Friend	Mines	Synowiecki
Engel	Jensen	Preister	Thompson

Excused and not voting, 3:

Byars	Pederson, D.	Wehrbein

The appointments were confirmed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 812. Placed on General File as amended.
Standing Committee amendment to LB 812:
AM2112

1. Strike the original sections and insert the following new sections:

Section 1. Section 77-1504, Revised Statutes Supplement, 2005, is amended to read:

77-1504 The county board of equalization may meet on or after June 1 and on or before July 25, or on or before August 10 if the county has adopted a resolution to extend the deadline for hearing protests under section 77-1502, to consider and correct the current year's assessment of any real property which has been undervalued or overvalued. The board shall give notice of the assessed value to the record owner or agent at his or her last-known address.

The county board of equalization in taking action

pursuant to this section may only consider the ~~reports~~ report of the county assessor pursuant to ~~sections 77-1315.01 and 77-1317 or any other documented information known to any member of the board~~ section 77-1315.01.

Action of the county board of equalization pursuant to this section shall be for the current assessment year only.

The action of the county board of equalization may be protested to the board within thirty days after the mailing of the notice required by this section. If no protest is filed, the action of the board shall be final. If a protest is filed, the county board of equalization shall hear the protest in the manner prescribed in section 77-1502, except that all protests shall be heard and decided on or before September 15 or on or before September 30 if the county has adopted a resolution to extend the deadline for hearing protests under section 77-1502. Within seven days after the county board of equalization's final decision, the county clerk shall mail to the protester written notice of the decision. The notice shall contain a statement advising the protestor that a report of the decision is available at the county clerk's or county assessor's office, whichever is appropriate, and that a copy of the report may be used to complete an appeal to the Tax Equalization and Review Commission.

The action of the county board of equalization upon a protest filed pursuant to this section may be appealed to the Tax Equalization and Review Commission on or before October 15 or on or before October 30 if the county has adopted a resolution to extend the deadline for hearing protests under section 77-1502.

Sec. 2. Section 77-5009, Reissue Revised Statutes of Nebraska, is amended to read:

77-5009 (1) The commission may employ legal, clerical, and other assistants as may be necessary to carry out the powers and duties of the commission.

(2)(a) For purposes of finding facts or conducting an investigation on behalf of the commission with regard to any matters relating to taxation or assessment, the commission may appoint by an order in writing a special master or special masters whose duties are prescribed in the order, except that the duties of a special master shall not include the determination of conclusions of law or the final disposition of any case or controversy.

(b) Special masters may be paid a salary or fee in the discretion of the commission. If a salary is paid, the amount paid shall be fixed by the commission, and if a fee is paid, the amount paid shall be in accordance with the value of the service rendered and shall be agreed upon and approved by the commission before the special master renders service under his or her appointment.

(c) The claim for services rendered shall be certified by the commission and paid as provided by law for other claims against the state.

(3) In the discharge of his or her duties, a special

master shall have all the investigative and factfinding powers of the commission. ~~in deciding any tax dispute.~~

(4)(a) The commission may conduct a number of factfindings or investigations contemporaneously through different special masters and may delegate to a special master the taking of all testimony bearing upon any investigation or hearing.

(b) The decision of the commission shall be based upon its examination of all testimony and records.

(c) The recommendations made by any special master shall be advisory only and shall not preclude the taking of further testimony if the commission orders further investigation.

(5)(a) For purposes of mediating valuation disputes between the county and the owner of the property, the commission by order may also contract with or appoint a referee or referees. The purpose of the referee is to meet with the parties and facilitate agreement on facts and issues prior to the hearing on the appeal. The referee may not be called as a witness in a hearing on the merits nor may evidence of any statements made by the parties or the referee pertaining to or at the referee meeting be received by the commission in a hearing on the merits. If the parties fail to resolve their differences, ~~either a hearing before the commission shall be held as previously scheduled or the case shall be placed on the schedule for hearing~~ a hearing on the merits of the appeal shall be held before the commission. If the parties resolve their differences, the commission shall enter an order that reflects the agreement of the parties.

(b) Referees may be paid a salary or fee in the discretion of the commission. If a salary is paid, the amount paid shall be fixed by the commission, and if a fee is paid, the amount paid shall be in accordance with the value of the service rendered and shall be agreed upon and approved by the commission before the referee renders service under his or her appointment.

(c) The claim for services rendered shall be certified by the commission and paid as provided by law for other claims against the state.

Sec. 3. Section 77-5019, Revised Statutes Supplement, 2005, is amended to read:

77-5019 (1) Any party aggrieved by a final decision in a case appealed to the commission, ~~and~~ any party aggrieved by a final decision of the commission on a petition, or any party aggrieved by an order of the commission issued pursuant to section 77-5020 or sections 77-5023 to 77-5028 shall be entitled to judicial review in the Court of Appeals. Upon request of the county, the Attorney General may appear and represent the county or political subdivision in cases in which the commission is not a party. Nothing in this section shall be deemed to prevent resort to other means of review, redress, or relief provided by law.

(2)(a) Proceedings for review shall be instituted by filing a petition and the appropriate docket fees in the Court

of Appeals within thirty days after the date on which a final appealable order is entered by the commission. All parties of record shall be made parties to the proceedings for review. The commission shall only be made a party of record if the action complained of is an order issued by the commission pursuant to section ~~77-1380,~~ 77-1504.01~~,~~ or 77-5020~~,~~ or sections 77-5023 to 77-5028. Summons shall be served on all parties within thirty days after the filing of the petition in the manner provided for service of a summons in section 25-510.02. The court, in its discretion, may permit other interested persons to intervene. No bond or undertaking is required for an appeal to the Court of Appeals.

(b) A petition for review shall set forth: (i) The name and mailing address of the petitioner; (ii) the name and mailing address of the county whose action is at issue or the commission; (iii) identification of the final decision at issue together with a duplicate copy of the final decision; (iv) the identification of the parties in the case that led to the final decision; (v) the facts to demonstrate proper venue; (vi) the petitioner's reasons for believing that relief should be granted; and (vii) a request for relief, specifying the type and extent of the relief requested.

(3) The filing of the petition or the service of summons upon the commission shall not stay enforcement of a decision. The commission may order a stay. The court may order a stay after notice of the application for the stay to the commission and to all parties of record. The court may require the party requesting the stay to give bond in such amount and conditioned as the court directs.

(4) Upon receipt of a petition the date for submission of the official record shall be determined by the court. The commission shall prepare a certified copy of the official record of the proceedings had before the commission in the case. The official record, unless limited by the written request of the petitioner, shall include: (a) Notice of all proceedings; (b) any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the commission pertaining to the case; (c) the transcribed record of the hearing before the commission, including all exhibits and evidence introduced during the hearing, a statement of matters officially noticed by the commission during the proceeding, and all proffers of proof and objections and rulings thereon; and (d) the final order appealed from. The commission shall charge the petitioner with the reasonable direct cost or require the petitioner to pay the cost for preparing the official record for transmittal to the court in all cases except when the petitioner is not required to pay a filing fee. If payment is required, payment of the cost, as estimated by the commission, for preparation of the official record shall be paid to the commission prior to preparation of the official record and the commission shall not transmit the official record to the court until payment of the actual costs of its

preparation is received.

(5) The review shall be conducted by the court for error on the record of the commission. If the court determines that the interest of justice would be served by the resolution of any other issue not raised before the commission, the court may remand the case to the commission for further proceedings. The court may affirm, reverse, or modify the decision of the commission or remand the case for further proceedings.

(6) Appeals under this section shall be given precedence over all civil cases.

Sec. 4. Section 77-5029, Reissue Revised Statutes of Nebraska, is amended to read:

77-5029 On or before June 5 of each year, the county assessor of any county adjusted by an order of the commission shall recertify the county abstract of assessment to the Property Tax Administrator. On or before August 1 of each year, the Property Tax Administrator shall certify to the commission that any order issued pursuant to ~~section~~ sections 77-5023 to 77-5028 was or was not implemented by the county assessor as of June 1 of each year pursuant to section 77-1315. The Property Tax Administrator shall audit the records of the county assessor to determine whether the orders were implemented.

Sec. 5. Original sections 77-5009 and 77-5029, Reissue Revised Statutes of Nebraska, and sections 77-1504 and 77-5019, Revised Statutes Supplement, 2005, are repealed.

Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.

LEGISLATIVE BILL 309. Indefinitely postponed.
LEGISLATIVE BILL 578. Indefinitely postponed.
LEGISLATIVE BILL 635. Indefinitely postponed.
LEGISLATIVE BILL 695. Indefinitely postponed.
LEGISLATIVE BILL 696. Indefinitely postponed.
LEGISLATIVE BILL 807. Indefinitely postponed.
LEGISLATIVE BILL 811. Indefinitely postponed.
LEGISLATIVE BILL 836. Indefinitely postponed.
LEGISLATIVE BILL 888. Indefinitely postponed.
LEGISLATIVE BILL 893. Indefinitely postponed.
LEGISLATIVE BILL 937. Indefinitely postponed.
LEGISLATIVE BILL 1045. Indefinitely postponed.
LEGISLATIVE BILL 1183. Indefinitely postponed.

(Signed) David Landis, Chairperson

Natural Resources

LEGISLATIVE BILL 1098. Placed on General File.
LEGISLATIVE BILL 1109. Placed on General File.

LEGISLATIVE BILL 1195. Placed on General File as amended.
Standing Committee amendment to LB 1195:
AM2093
1. On page 2, line 11, after the comma insert "three hundred fifty dairy cows,"; in line 24 after the semicolon insert "or"; and strike line 25.
2. On page 3, strike beginning with "exclusively" in line 1 through "(3)" in line 2 and insert "(2)".

(Signed) Ed Schrock, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 996. Placed on General File.

(Signed) DiAnna R. Schimek, Chairperson

GENERAL FILE

LEGISLATIVE BILL 778. Title read. Considered.

Senator Chambers offered the following amendment:
FA388
P. 19, line 20; p. 20, lines 8, 17 and 24; p. 21, lines 4, 9-10, 17 and 22; p. 22, lines 5 and 20; p. 23, lines 1-2, 9, 21 and 25 strike "shall mean" and insert "means".

The Chambers amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following amendment:
FA389
P. 9, line 2 strike "federally related" and show as stricken, and insert "federally-related".

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment:
FA390
P. 19, line 11 strike "in" and insert "required by".

The Chambers amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following amendment:
FA391
P. 69, line 4 strike "substantially" and show as stricken.

The Chambers amendment was adopted with 27 ayes, 0 nays, 18 present and

not voting, and 4 excused and not voting.

Senator Chambers offered the following amendment:
FA392
1. P. 34, line 23; p. 43, line 22; p. 46, line 17; p. 51, line 5; p. 53, line 25; p. 58 line 13; p. 61, line 3 strike "not less" and insert "no fewer".
2. P. 39, line 6; p. 41, line 12; p. 48, line 8; p. 55, line 16; strike "not less" and show as stricken, and insert "no fewer".
3. P. 44, line 14; p. 51, line 24; p. 59, line 7 strike "less" and insert "fewer".
4. P. 66, line 18 strike "less" and show as stricken, and insert "fewer".

The Chambers amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Senator Chambers offered the following amendment:
FA393
P. 47, line 16; p. 54, line 24; p. 62, line 1 strike "as having" and insert "to have".

The Chambers amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Senator Chambers offered the following amendment:
FA394
P. 47, line 19; p. 55, line 3; p. 62, line 4 strike "respective" and insert "applicable".

The Chambers amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Senator Chambers offered the following amendment:
FA395
P. 47, line 20; p. 55, line 3; p. 62, line 5 strike "the requirements are".

The Chambers amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORT
Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Michael Griffin - Environmental Quality Council

VOTE: Aye: Senators Hudkins, Kopplin, Kremer, Louden, McDonald, Schrock, Smith, Stuhr. Nay: None. Absent: None.

(Signed) Ed Schrock, Chairperson

ANNOUNCEMENTS

Senator Burling designates LB 818 as his priority bill.

Senator Schimek designates LB 239 as her priority bill.

Senator Dw. Pedersen designates LB 642 as his priority bill.

Senator Price designates LB 962 as her priority bill.

AMENDMENTS - Print in Journal

Senator Combs filed the following amendment to LB 454:
(Amendment, AM2090, is printed separately and available in the Bill Room, Room 1104.)

Senator Beutler filed the following amendment to LB 554A:
AM2117

1. Strike original section 1 and insert the following new section:

Section 1. There is hereby appropriated (1) $40,089 from the General Fund for FY2006-07 and (2) $39,589 from the General Fund for FY2007-08 to the Department of Labor, for Program 194, to aid in carrying out the provisions of Legislative Bill 554, Ninety-ninth Legislature, Second Session, 2006.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $28,453 for FY2006-07 or $28,453 for FY2007-08.

MOTION - Print in Journal

Senator Smith filed the following motion to LB 1024:
Indefinitely postpone LB 1024.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 933A. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 933, Ninety-ninth Legislature, Second Session, 2006.

GENERAL FILE

LEGISLATIVE BILL 887. Title read. Considered.

The Standing Committee amendment, AM1914, found on page 413, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

SPEAKER BRASHEAR PRESIDING

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 284, 285, and 286 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 284, 285, and 286.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 1173. Placed on General File as amended.
Standing Committee amendment to LB 1173:
AM2082

1. On page 3, lines 15 to 20, strike the new matter and reinstate the stricken matter; and in line 16 after the period insert "Failure to satisfy the notice requirement of this section shall result in the taxes for all taxable years affected by the failure to give notice of the effective date of the provision remaining undivided and being paid into the funds for each public body receiving property taxes generated by the property in the redevelopment project. However, the redevelopment project valuation for the remaining division of ad valorem taxes in accordance with subdivisions (1)(a) and (b) of this section shall be the last certified valuation for the taxable year prior to the effective

date of the provision to divide the taxes for the remaining portion of the fifteen-year period pursuant to subsection (1) of this section.".

LEGISLATIVE BILL 1249. Placed on General File as amended.
Standing Committee amendment to LB 1249:
AM2127

1. On page 4, lines 3 to 7, strike the new matter; in line 23 strike "section 8 or 15 of this act" and insert "the State Natural Gas Regulation Act"; and in lines 24 and 25 strike "State Natural Gas Regulation Act" and insert "act".

2. On page 5, line 1, after "as" insert "otherwise"; and in lines 1 and 2 strike "sections 8 and 9 of this act" and insert "the State Natural Gas Regulation Act".

3. On page 6, line 21; page 9, lines 13 and 14; and page 10, line 14, strike ", city,".

4. On page 8, strike beginning with "in" in line 1 through "or" in line 3; and in line 19 strike "deems just and reasonable" and insert "determines to be in the public interest".

(Signed) Mike Friend, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Senator Howard asked unanimous consent to add her name as cointroducer to LB 892. No objections. So ordered.

VISITORS

Visitors to the Chamber were Family and Consumer Science teachers and FCCLA members from across Nebraska.

The Doctor of the Day was Dr. David Filipi from Omaha.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Cudaback, the Legislature adjourned until 9:00 a.m., Tuesday, February 7, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-SECOND DAY - FEBRUARY 7, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 7, 2006

PRAYER

The prayer was offered by Pastor James David, St. Paul United Church of Christ, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Byars and Cunningham who were excused; and Senators Cornett, Erdman, Flood, Hudkins, Landis, Louden, D. Pederson, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-first day was approved.

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE BILL 1164. Placed on General File as amended.
Standing Committee amendment to LB 1164:
AM2126

1. On page 3, line 23, after the comma insert "except that in the case of a municipal water well, the original municipal water well may be used after construction of the new water well but shall be decommissioned within one year after completion of the replacement water well,".

(Signed) Ed Schrock, Chairperson

ANNOUNCEMENTS

Senator Engel designates LB 776 as his priority bill.

Senator Combs designates LB 454 as her priority bill.

MOTIONS - Approve Appointments

Senator Schrock moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 534:

Environmental Quality Council
Mark Czaplewski

Voting in the affirmative, 28:

Aguilar	Combs	Howard	Langemeier	Smith
Baker	Connealy	Janssen	McDonald	Stuhr
Bourne	Cudaback	Jensen	Mines	Stuthman
Brashear	Fischer	Johnson	Pahls	Wehrbein
Burling	Friend	Kopplin	Price	
Chambers	Heidemann	Kremer	Redfield	

Voting in the negative, 0.

Present and not voting, 11:

Beutler	Foley	Preister	Synowiecki
Brown	Kruse	Schimek	Thompson
Engel	Pedersen, Dw.	Schrock	

Excused and not voting, 10:

Byars	Cunningham	Flood	Landis	Pederson, D.
Cornett	Erdman	Hudkins	Louden	Raikes

The appointment was confirmed with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Senator Kremer moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 534:

Climate Assessment Response Committee
Jamie Karl

Voting in the affirmative, 29:

Aguilar	Combs	Heidemann	Kremer	Pederson, D.
Baker	Connealy	Howard	Langemeier	Price
Bourne	Cudaback	Janssen	Louden	Raikes
Brashear	Fischer	Jensen	McDonald	Redfield
Burling	Flood	Johnson	Mines	Thompson
Chambers	Friend	Kopplin	Pahls	

Voting in the negative, 0.

Present and not voting, 14:

Beutler	Foley	Preister	Smith	Synowiecki
Brown	Kruse	Schimek	Stuhr	Wehrbein
Engel	Pedersen, Dw.	Schrock	Stuthman	

Excused and not voting, 6:

Byars	Cunningham	Hudkins
Cornett	Erdman	Landis

The appointment was confirmed with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 874. Title read. Considered.

Senator Chambers offered the following amendment:
FA399
P. 16 in line 22 strike "continues to demonstrate" and insert "demonstrates".

The Chambers amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Senator Chambers offered the following amendment:
FA400
P. 16, line 23 strike "unreasonable".

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment:
FA401
P. 16, line 21 strike "may" and show as stricken, and insert "shall".

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment:
FA402
P. 16, in lines 22 and 23 strike new language and reinstate original language.

Senator Chambers withdrew his amendment.

Senator Chambers offered the following motion:
Indefinitely postpone LB 874.

Senator Chambers withdrew his motion.

Senator Kremer offered the following amendment:
FA403
On page 16, lines 22-23, strike the new text and reinstate the stricken text.

The Kremer amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

ANNOUNCEMENT

The General Affairs Committee designates LB 1111 as its priority bill.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 823. Placed on General File.
LEGISLATIVE BILL 921. Placed on General File.
LEGISLATIVE BILL 941. Placed on General File.

LEGISLATIVE BILL 771. Placed on General File as amended.
Standing Committee amendment to LB 771:
AM2115
1. On page 2, line 6, after the period insert "Such payments shall only be made to credit an arrearage of an obligor.".

LEGISLATIVE BILL 899. Indefinitely postponed.
LEGISLATIVE BILL 900. Indefinitely postponed.
LEGISLATIVE BILL 955. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 859. Indefinitely postponed.

(Signed) Tom Baker, Chairperson

General Affairs

LEGISLATIVE BILL 1111. Placed on General File.

LEGISLATIVE BILL 1048. Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

AMENDMENTS - Print in Journal

Senator Howard filed the following amendment to LB 862:
AM2141

1. On page 2 strike beginning with "It" in line 4 through line 6.

Senator Preister filed the following amendment to LB 1161:
AM2159

1. Strike sections 1 and 2 and insert the following new section:

Section 1. (1) The Department of Environmental Quality shall reject an application for a permit or approval to use tire-derived fuel upon a finding that the applicant is unsuited to perform the obligations of a permitholder. The applicant shall be determined unsuitable to perform the obligations of a permitholder if the department finds that within the previous three years:

(a) The applicant has allowed five emissions or discharges that exceed levels allowed by permit conditions, federal or state statutes, or rules or regulations adopted pursuant to such statutes in any facility in Nebraska owned or operated by the applicant; or

(b) The applicant has a criminal conviction for violation of the Environmental Protection Act or rules or regulations adopted pursuant to the act or a felony criminal conviction for violation of environmental law in any jurisdiction.

(2) The department shall revoke or suspend a permit or approval to use tire-derived fuel upon a finding that the permitholder is unsuited to perform the obligations of a permitholder. The permitholder shall be determined unsuitable to perform the obligations of a permitholder if the department finds that within the previous five years the permitholder has allowed five emissions or discharges that exceed levels allowed by permit conditions, federal or state statutes, or rules or regulations adopted pursuant to such statutes at the permitted facility.

(3) The department shall reject an application for a major modification of a permit or approval to use tire-derived fuel upon a finding that the applicant is unsuited to perform the obligations of a permitholder. The applicant shall be determined unsuitable to perform the obligations of a permitholder if the department finds that within the previous five years the applicant has allowed three emissions or discharges that exceed levels allowed by permit conditions, federal or state statutes, or rules or regulations adopted pursuant to such statutes at the permitted facility.

2. On page 2, line 13, strike "sections 1 and 2" and insert "section 1".

3. Renumber the remaining sections accordingly.

Senator Landis filed the following amendment to LB 1003:
AM2152

(Amendments to Standing Committee amendments, AM1935)

1. Insert the following new section:

Sec. 7. Section 77-27,117, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,117 Any prosecution under income tax provisions of the Nebraska Revenue Act of 1967 shall be instituted within three years after the commission of the offense, except that the period of limitation shall be four years for the offenses described in sections 77-27,113, 77-27,115, and 77-27,116. ~~; PROVIDED, that if such offense is the failure to do an act required by or under the income tax provisions of such act to be done before a certain date, a prosecution for such offense may be commenced not later than three years after such date.~~ The failure to do any act required by or under the income tax provisions of such act shall be deemed an act committed in part at the principal office of the Tax Commissioner. Any prosecution may be conducted in any county where the person or corporation to whose liability the proceeding relates resides, or has a place of business or in any county in which such crime is committed. The Attorney General shall have concurrent jurisdiction with the county attorney in the prosecution of offenses.

2. Correct the repealer and operative date section so that the section added by this amendment becomes operative with the emergency clause.

3. Renumber the remaining sections and correct internal references accordingly.

NOTICE OF COMMITTEE HEARINGS

Agriculture

Room 2102

LB 1034	Tuesday, February 14, 2006	1:30 p.m.
LB 1197	Tuesday, February 14, 2006	1:30 p.m.
LB 1162	Tuesday, February 14, 2006	1:30 p.m.

(Signed) Bob Kremer, Chairperson

Education

Room 1525

Monday, February 27, 2006 (rehearing) 1:30 p.m.
James Strand - Coordinating Commission for Postsecondary Education

(Signed) Ron Raikes, Chairperson

STANDING COMMITTEE REPORTS
Education

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Dick Davis - Coordinating Commission for Postsecondary Education

VOTE: Aye: Senators Bourne, Howard, Kopplin, McDonald, Raikes, Schrock, and Stuhr. Nay: None. Absent: Senator Byars.

(Signed) Ron Raikes, Chairperson

General Affairs

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Edwin Bergstraesser - State Electrical Board
Cory Mueller - State Electrical Board

VOTE: Aye: Senators Connealy, Erdman, Fischer, Friend, Janssen, Landis, Wehrbein. Nay: None. Absent: Senator Cornett.

(Signed) Ray Janssen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1007. Title read. Considered.

Senator Chambers offered the following amendment:
FA397
P. 3, lines 5, 8, 11, 13 and 24; p. 4, lines 4 and 13; p. 5, lines 15, 19 and 24; p. 6, lines 6, 10, 13, 19 and 25; p. 7, lines 11 and 19 strike "shall mean", and show as stricken, and insert "means"; p. 6, line 16 strike "shall include", and show as stricken, and insert "includes".

SENATOR JANSSEN PRESIDING

SENATOR CUDABACK PRESIDING

The Chambers amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 853. Title read. Considered.

The Standing Committee amendment, AM1986, printed separately and referred to on page 455, was considered.

Pending.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 949. Placed on General File.
LEGISLATIVE BILL 1088. Placed on General File.

LEGISLATIVE BILL 882. Placed on General File as amended.
Standing Committee amendment to LB 882:
AM2098

1. Insert the following new section:

Sec. 10. The Department of Health and Human Services Regulation and Licensure, in consultation with the Health and Human Services Committee of the Legislature, shall study and make recommendations for a comprehensive recodification of the Radiation Control Act. The department may convene a working group of knowledgeable and interested persons to assist in such study. Members of such working group shall serve without compensation but may be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177. The department shall complete its review and present its recommendations to the Governor and the Health and Human Services Committee of the Legislature on or before December 15, 2007. This section terminates on January 1, 2008.

2. On page 8, strike beginning with the comma in line 1 through "facility" in line 3 and show as stricken.

3. On page 9, strike beginning with the third comma in line 6 through "practitioner" in line 7 and insert ". Licensed practitioner also means a physician assistant or advanced practice registered nurse except for the purposes of directing, performing, or interpreting fluoroscopic procedures".

4. On page 22, strike beginning with "designed" in line 6 through line 7.

5. On page 32, line 19, strike "section 7" and insert "sections 7 and 10".

6. Renumber the remaining section accordingly.

LEGISLATIVE BILL 892. Placed on General File as amended.
Standing Committee amendment to LB 892:
AM2094

1. Insert the following new sections:

Section 1. Section 20-162, Revised Statutes Cumulative

Supplement, 2004, is amended to read:

20-162. For purposes of sections 20-161 to 20-166, unless the context otherwise requires:

(1) Complaint shall mean any oral or written allegation by a person with a developmental disability or a mentally ill individual, the parent or guardian of such persons, a state agency, or any other responsible named individual or entity to the effect that the person with developmental disabilities or the mentally ill individual is being subjected to injury or deprivation with regard to his or her health, safety, welfare, rights, or level of care;

(2) Developmental disability shall mean a severe chronic mental or physical disability as defined in the Developmental Disabilities Assistance and Bill of Rights Act, 42 U. S. C. 6000 et seq., as amended;

(3) Facility for mentally ill individuals shall mean any place within Nebraska where a mentally ill individual is an inpatient or a resident and that is organized to provide treatment, shelter, food, care, or supervision including, but not limited to, those facilities described in the Health Care Facility Licensure Act and sections 71-1901 to ~~71-1917~~ 71-1916, 83-107.01, and 83-108;

(4) Facility for persons with developmental disabilities shall mean a facility or a specified portion of a facility designed primarily for the delivery of one or more services to persons with one or more developmental disabilities including, but not limited to, those facilities described in the Health Care Facility Licensure Act and sections 71-1901 to ~~71-1917~~ 71-1916, 83-107.01, and 83-108 whenever a person with a developmental disability is residing in such facility;

(5) Mentally ill individual shall mean an individual who has a significant mental illness or emotional impairment as determined by a mental health professional qualified under the laws, rules, and regulations of this state and who is an inpatient or resident in a facility for mentally ill individuals;

(6) Protection and advocacy system shall mean the entity designated pursuant to the Developmental Disabilities Assistance and Bill of Rights Act, 42 U. S. C. 6000 et seq., as amended;

(7) Records shall mean all information and data obtained, collected, or maintained by a facility for persons with developmental disabilities or a facility for mentally ill individuals in the course of providing services to such persons which are reasonably related to the complaint to be investigated; and

(8) Services for persons with developmental disabilities shall mean services as defined in the Developmental Disabilities Assistance and Bill of Rights Act, 42 U. S. C. 6000 et seq., as amended.

Sec. 2. Section 43-2606, Reissue Revised Statutes of Nebraska, is amended to read:

43-2606 (1) The Department of Health and Human Services

Regulation and Licensure shall adopt and promulgate rules and regulations for mandatory training requirements for providers of child care and school-age-care programs. Such requirements shall include preservice orientation and at least four hours of annual inservice training. All child care programs required to be licensed under section 71-1911 shall show completion of a preservice orientation approved or delivered by the department prior to receiving a provisional license.

(2) The department shall initiate a system of documenting the training levels of staff in specific child care settings to assist parents in selecting optimal care settings.

(3) The training requirements shall be designed to meet the health, safety, and developmental needs of children and shall be tailored to the needs of licensed providers of child care programs.

(4) The department shall provide or arrange for training opportunities throughout the state and shall provide information regarding training opportunities to all providers of child care programs at the time of registration or licensure, when renewing a registration, or on a yearly basis following licensure.

(5) Each provider of child care and school-age-care programs receiving orientation or training shall provide his or her social security number to the department.

(6) ~~Rules and regulations adopted and promulgated under this section by the Department of Health and Human Services shall be deemed adopted and promulgated by the Department of Health and Human Services Regulation and Licensure on and after August 28, 1999.~~ The department shall review and provide recommendations to the Governor for updating rules and regulations adopted and promulgated under this section at least every five years.

Sec. 3. Section 43-3402, Reissue Revised Statutes of Nebraska, is amended to read:

43-3402 With respect to the Early Intervention Act, the Quality Child Care Act, and sections 79-1101 to 79-1104, the Early Childhood Interagency Coordinating Council shall serve in an advisory capacity to state agencies responsible for early childhood care and education, including care for school-age children, in order to:

(1) Promote the policies set forth in the Early Intervention Act, the Quality Child Care Act, and sections 79-1101 to 79-1104;

(2) Facilitate collaboration with the federally administered Head Start program;

(3) Make recommendations to the Department of Health and Human Services, the Department of Health and Human Services Finance and Support, the Department of Health and Human Services Regulation and Licensure, the State Department of Education, and other state agencies responsible for the regulation or provision of early childhood care and education programs on the needs, priorities, and

policies relating to such programs throughout the state;

(4) Make recommendations to the lead agency or agencies which prepare and submit applications for federal funding;

(5) Review new or proposed revisions to rules and regulations governing the registration or licensing of early childhood care and education programs;

(6) Study and recommend additional resources for early childhood care and education programs; and

(7) Report biennially to the Governor and Legislature on the status of early intervention and early childhood care and education in the state. Such report shall include (a) the number of license applications received under section 71-1911; (b) the number of such licenses issued; (c) the number of such license applications denied; (d) the number of complaints investigated regarding such licensees; (e) the number of such licenses revoked; (f) the number and dollar amount of civil penalties levied pursuant to section 71-1920; and (g) information which may assist the Legislature in determining the extent of cooperation provided to the department by other state and local agencies pursuant to section 71-1914.

Sec. 7. Section 71-1914, Revised Statutes Cumulative Supplement, 2004, is amended to read:

71-1914 (1) The department shall be the state's coordinating agency for licensure and regulation of programs in this state in order to (a) provide efficient services pursuant to the Child Care Licensing Act, (b) avoid duplication of services, and (c) prevent an unnecessary number of inspections of any program. The department may request cooperation and assistance from local and state agencies and such agencies shall promptly respond. The extent of an agency's cooperation may be included in the report to the Legislature pursuant to section ~~71-1917~~ 43-3402.

(2) A city, village, or county may adopt rules, regulations, or ordinances establishing physical well-being and safety standards for programs whether or not the persons providing such programs are subject to licensure under section 71-1911. Such rules, regulations, or ordinances shall be as stringent as or more stringent than the department's rules and regulations for licensees pursuant to the Child Care Licensing Act. The city, village, or county adopting such rules, regulations, or ordinances and the department shall coordinate the inspection and supervision of licensees to avoid duplication of inspections. A city, village, or county shall report any violation of such rules, regulations, or ordinances to the director. The city, village, or county may administer and enforce such rules, regulations, and ordinances. Enforcement of provisions of the Child Care Licensing Act or rules or regulations adopted and promulgated under the act shall be by the department pursuant to sections 71-1919 to 71-1923.

Sec. 8. Section 71-1916, Revised Statutes Cumulative Supplement, 2004, is amended to read:

71-1916 (1) The department shall adopt and promulgate such rules and regulations, consistent with the Child Care Licensing Act, as necessary for (a) the proper care and protection of children in programs regulated under the act, (b) the issuance and discipline of licenses, and (c) the proper administration of the act.

(2) The department shall adopt and promulgate rules and regulations establishing standards for the physical well-being, safety, and protection of children in programs licensed under the Child Care Licensing Act. Such standards shall insure that the program is providing proper care for and treatment of the children served and that such care and treatment is consistent with the children's physical well-being, safety, and protection. Such standards shall not require the use of any specific instructional materials or affect the contents of any course of instruction which may be offered by a program. The rules and regulations shall contain provisions which encourage the involvement of parents in child care for their children and insure the availability, accessibility, and high quality of services for children.

(3) The rules and regulations shall be adopted and promulgated pursuant to the Administrative Procedure Act, except that the department shall hold a public hearing in each geographic area of the state prior to the adoption, amendment, or repeal of any rule or regulation. <u>The department shall review and provide recommendations to the Governor for updating such rules and regulations at least every five years.</u>

(4) The rules and regulations applicable to programs required to be licensed under the Child Care Licensing Act do not apply to any program operated or contracted by a public school district and subject to the rules and regulations of the State Department of Education as provided in section 79-1104.

(5) Contested cases of the department under the Child Care Licensing Act shall be in accordance with the Administrative Procedure Act.

Sec. 10. The following section is outright repealed: Section 71-1917, Revised Statutes Cumulative Supplement, 2004.

2. On page 3, line 7, strike "subsection (2) of" and show as stricken; and in line 9 after the stricken "fewer" insert "<u>operate or offer to operate a program for or</u>".

3. Amend the repealer and renumber the remaining sections accordingly.

LEGISLATIVE BILL 953. Placed on General File as amended.
Standing Committee amendment to LB 953:
AM2020

1. Insert the following section:

Section 1. Section 71-5663, Revised Statutes Cumulative Supplement, 2004, is amended to read:

71-5663 (1) The amount of financial assistance provided

through student loans pursuant to the Rural Health Systems and Professional Incentive Act shall be limited to twenty thousand dollars for each recipient for each academic year and shall not exceed eighty thousand dollars per medical, dental, or doctorate-level mental health student or twenty thousand dollars per master's level mental health or physician assistant student.

(2) The amount of financial assistance provided by the state through loan repayments pursuant to the act (a) for physicians, dentists, and psychologists shall be limited to ~~ten~~ twenty thousand dollars per recipient per year of full-time practice in a designated health profession shortage area and shall not exceed ~~thirty~~ sixty thousand dollars per recipient and (b) for physician assistants, advanced practice registered nurses, pharmacists, physical therapists, occupational therapists, and mental health practitioners shall be limited to ~~five~~ ten thousand dollars per recipient per year of full-time practice in a designated health profession shortage area and shall not exceed ~~fifteen~~ thirty thousand dollars per recipient.

2. On page 3, line 6, strike "section" and insert "sections 71-5663 and"; and in line 7 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1002. Placed on General File as amended.
Standing Committee amendment to LB 1002:
AM2137

1. On page 2, line 20; and page 3, line 12, before the period insert "relating to health conditions within the scope of practice".

LEGISLATIVE BILL 846. Indefinitely postponed.
LEGISLATIVE BILL 866. Indefinitely postponed.
LEGISLATIVE BILL 908. Indefinitely postponed.
LEGISLATIVE BILL 951. Indefinitely postponed.

(Signed) Jim Jensen, Chairperson

ANNOUNCEMENT

Senator Landis designates LB 1249 as his priority bill.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB 249:
FA396
1. Page 5, lines 4 and 5 strike "under the age of eighteen years" and show as stricken, and insert "under eighteen years of age";
2. Page 8, lines 20 and 21, and line 24 strike "less than twenty-one years of age" and show as stricken, and insert "under the age of twenty-one"

Senator Chambers filed the following amendment to LB 249:
FA398
P. 29, line 19 strike "less than" and show as stricken, and insert "under". Page 31, lines 14 and 15 strike "younger than" and show as stricken, and insert "under"; in line 15 strike "over" and show as stricken, and insert "older than".

Senator Kremer filed the following amendment to LB 346A:
AM2118
Strike the original sections and insert the following new sections:
Section 1. There is hereby appropriated (1) $7,315 from the General Fund for FY2006-07 and (2) $7,315 from the General Fund for FY2007-08 to the Department of Agriculture, for Program 27, to aid in carrying out the provisions of Legislative Bill 346, Ninety-ninth Legislature, Second Session, 2006.
Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $4,670 for FY2006-07 or $4,670 for FY2007-08.
Sec. 2. Since an emergency exists, this act takes effect when passed and approved according to law.

UNANIMOUS CONSENT - Add Cointroducers

Senator Bourne asked unanimous consent to add his name as cointroducer to LB 99. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB 354. No objections. So ordered.

Senators Flood and Dw. Pedersen asked unanimous consent to add their names as cointroducers to LB 957. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to add his name as cointroducer to LB 1104. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of State Unions Affiliated with the Change to Win Coalition; Dave Nichols from Friend; former Senator David Bernard-Stevens and members of Leadership Lincoln County Adults from North Platte; Judy Templeman from Littleton, Colorado; and Mark Langan from Omaha.

The Doctor of the Day was Dr. David Hoelting from Pender.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Janssen, the Legislature adjourned until 9:00 a.m., Wednesday, February 8, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-THIRD DAY - FEBRUARY 8, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 8, 2006

PRAYER

The prayer was offered by Pastor David deFreese, Evangelical Lutheran Church of America, Nebraska Synod, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Cunningham who was excused; and Senators Bourne, Brashear, Brown, Combs, Cornett, Heidemann, and Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-second day was approved.

ANNOUNCEMENT

The Legislative Performance Audit Committee designates LB 956 as its priority bill.

MOTION - Approve Appointment

Senator Schrock moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 557:

Environmental Quality Council
Michael Griffin

Voting in the affirmative, 29:

Aguilar	Fischer	Johnson	Pahls	Schrock
Baker	Foley	Kopplin	Pedersen, Dw.	Smith
Connealy	Friend	Kruse	Pederson, D.	Stuthman
Cudaback	Howard	Landis	Price	Thompson
Engel	Hudkins	Langemeier	Raikes	Wehrbein
Erdman	Jensen	McDonald	Redfield	

Voting in the negative, 0.

Present and not voting, 12:

Beutler	Chambers	Kremer	Preister
Burling	Flood	Louden	Stuhr
Byars	Janssen	Mines	Synowiecki

Excused and not voting, 8:

Bourne	Brown	Cornett	Heidemann
Brashear	Combs	Cunningham	Schimek

The appointment was confirmed with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 776. Title read. Considered.

The Standing Committee amendment, AM1951, found on page 456, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 818. Title read. Considered.

The Standing Committee amendment, AM1936, found on page 423, was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Senator Burling offered the following amendment:
AM2174

1. On page 3, line 22, after the period insert "A race sponsor using tires pursuant to subdivision (3)(c)(ii) of this section shall file a tire disposal plan with the department prior to the sponsor's first use of tires as safety barriers. The plan shall continue in effect as long as such sponsor uses tires as safety barriers.".

Senator Burling moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The Burling amendment was adopted with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 778. Placed on Select File as amended.
(E & R amendment, AM7155, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 887. Placed on Select File as amended.
E & R amendment to LB 887:
AM7154
1. On page 15, line 23, strike "certified a vendor" and insert "certifies a vendor-provided".

(Signed) Michael Flood, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 44A. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 44, Ninety-ninth Legislature, Second Session, 2006.

LEGISLATIVE BILL 996A. Introduced by Louden, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 996, Ninety-ninth Legislature, Second Session, 2006.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 141. Indefinitely postponed.
LEGISLATIVE BILL 327. Indefinitely postponed.
LEGISLATIVE BILL 347. Indefinitely postponed.
LEGISLATIVE BILL 350. Indefinitely postponed.
LEGISLATIVE BILL 357. Indefinitely postponed.
LEGISLATIVE BILL 378. Indefinitely postponed.
LEGISLATIVE BILL 502. Indefinitely postponed.
LEGISLATIVE BILL 556. Indefinitely postponed.
LEGISLATIVE BILL 574. Indefinitely postponed.
LEGISLATIVE BILL 596. Indefinitely postponed.
LEGISLATIVE BILL 624. Indefinitely postponed.
LEGISLATIVE BILL 637. Indefinitely postponed.
LEGISLATIVE BILL 704. Indefinitely postponed.
LEGISLATIVE BILL 718. Indefinitely postponed.
LEGISLATIVE BILL 961. Indefinitely postponed.
LEGISLATIVE BILL 1118. Indefinitely postponed.
LEGISLATIVE BILL 1138. Indefinitely postponed.

LEGISLATIVE RESOLUTION 28CA. Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

Agriculture

LEGISLATIVE BILL 1081. Placed on General File.

LEGISLATIVE BILL 856. Placed on General File as amended.
(Standing Committee amendment, AM2107, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 934. Placed on General File as amended.
Standing Committee amendment to LB 934:
AM2086
1. Strike original section 8.
2. On page 8, line 23, strike "to 8" and insert "and 7".
3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 286. Indefinitely postponed.
LEGISLATIVE BILL 706. Indefinitely postponed.

(Signed) Bob Kremer, Chairperson

ANNOUNCEMENTS

Senator Flood designates LB 1199 as his priority bill.

Senator Fischer designates LB 924 as her priority bill.

AMENDMENTS - Print in Journal

Senator Combs filed the following amendment to LB 454A:
AM2169

1. Strike the original sections and insert the following new sections:

Section 1. There is hereby appropriated (1) $774,000 from the Public Safety Cash Fund for FY2006-07 and (2) $218,000 from the Public Safety Cash Fund for FY2007-08 to the Nebraska State Patrol, for Program 100, to aid in carrying out the provisions of Legislative Bill 454, Ninety-ninth Legislature, Second Session, 2006.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $240,320 for FY2006-07 or $80,800 for FY2007-08.

There is included in this appropriation for FY2006-07 $30,000 Cash Funds to contract with the Department of Motor Vehicles to pay for the cost of temporary staff and computer programming at the Department of Motor Vehicles in order to carry out the provisions of Legislative Bill 454, Ninety-ninth Legislature, Second Session, 2006.

Sec. 2. There is hereby appropriated $30,000 from the Department of Motor Vehicles Cash Fund for FY2006-07 to the Department of Motor Vehicles, for Program 70, to aid in carrying out the provisions of Legislative Bill 454, Ninety-ninth Legislature, Second Session, 2006.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Senator Combs filed the following amendment to LB 454:
AM2143

(Amendments to Standing Committee amendments, AM0810)

1. On page 2, line 6, strike "and"; after line 6 insert the following new subdivision:

"(6) Place of worship means a church, a synagogue, a mosque, an ecclesiastical or a denominational organization, or a building or premises established for worship, at which religious services or activities are regularly conducted, and any cemetery associated therewith; and"; and in line 7 strike "(6)" and insert "(7)".

Senator Combs filed the following amendment to LB 454:
AM2142

(Amendments to Standing Committee amendments, AM0810)

1. On page 11, after line 14, insert the following new subdivision:

"(c) The Concealed Handgun Permit Act shall not supersede policies or rules and regulations adopted and promulgated under the Foster Care Review Act with respect to prohibiting handguns in foster care facilities, child-caring agencies, and child-placing agencies.".

STANDING COMMITTEE REPORTS
Agriculture

The Agriculture Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

John Peetz - State Fair Board

VOTE: Aye: Senators Burling, Erdman, Fischer, Preister, Kremer, Wehrbein. Nay: None. Absent: Senators Chambers, Cunningham.

The Agriculture Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Linda Lovgren - State Fair Board

VOTE: Aye: Senators Burling, Erdman, Fischer, Preister, Kremer, Wehrbein. Nay: None. Absent: Senators Chambers, Cunningham.

(Signed) Bob Kremer, Chairperson

SELECT FILE

LEGISLATIVE BILL 876. E & R amendment, AM7150, printed separately and referred to on page 544, was adopted.

Senator Redfield withdrew the Redfield-Mines pending amendment, AM2102, found on page 535.

Senator Redfield offered the following amendment:
AM2160

(Amendments to E & R amendments, AM7150)

1. Insert the following new sections:

Section 1. Sections 1 to 7 of this act shall be known and may be cited as the Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006.

Sec. 2. For purposes of the Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006:

(1) Breach of the security of the system means the unauthorized acquisition of unencrypted computerized data that compromises the security, confidentiality, or integrity of personal

information maintained by an individual or a commercial entity. Good faith acquisition of personal information by an employee or agent of an individual or a commercial entity for the purposes of the individual or the commercial entity is not a breach of the security of the system if the personal information is not used or subject to further unauthorized disclosure. Acquisition of personal information pursuant to a search warrant, subpoena, or other court order or pursuant to a subpoena or order of a state agency is not a breach of the security of the system;

(2) Commercial entity includes a corporation, business trust, estate, trust, partnership, limited partnership, limited liability partnership, limited liability company, association, organization, joint venture, government, governmental subdivision, agency, or instrumentality, or any other legal entity, whether for profit or not for profit;

(3) Encrypted means converted by use of an algorithmic process to transform data into a form in which the data is rendered unreadable or unusable without use of a confidential process or key;

(4) Notice means:

(a) Written notice;

(b) Telephonic notice;

(c) Electronic notice, if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 U. S. C. 7001, as such section existed on January 1, 2006;

(d) Substitute notice, if the individual or commercial entity required to provide notice demonstrates that the cost of providing notice will exceed seventy-five thousand dollars, that the affected class of Nebraska residents to be notified exceeds one hundred thousand residents, or that the individual or commercial entity does not have sufficient contact information to provide notice. Substitute notice under this subdivision requires all of the following:

(i) Electronic mail notice if the individual or commercial entity has electronic mail addresses for the members of the affected class of Nebraska residents;

(ii) Conspicuous posting of the notice on the web site of the individual or commercial entity if the individual or commercial entity maintains a web site; and

(iii) Notice to major statewide media outlets; or

(e) Substitute notice, if the individual or commercial entity required to provide notice has ten employees or fewer and demonstrates that the cost of providing notice will exceed ten thousand dollars. Substitute notice under this subdivision requires all of the following:

(i) Electronic mail notice if the individual or commercial entity has electronic mail addresses for the members of the affected class of Nebraska residents;

(ii) Notification by a paid advertisement in a local newspaper that is distributed in the geographic area in which the individual or commercial entity is located, which advertisement shall be of sufficient size that it covers at least one-quarter of a page in the newspaper and shall be published in the newspaper at least once a week for three consecutive weeks;

(iii) Conspicuous posting of the notice on the web site of the individual or commercial entity if the individual or commercial entity maintains a web site; and

(iv) Notification to major media outlets in the geographic area in which the individual or commercial entity is located;

(5) Personal information means a Nebraska resident's first name or first initial and last name in combination with any one or more of the following data elements that relate to the resident if either the name or the data elements are not encrypted , redacted, or otherwise altered by any method or technology in such a manner that the name or data elements are unreadable:

(a) Social security number;

(b) Motor vehicle operator's license number or state identification card number;

(c) Account number or credit or debit card number, in combination with any required security code, access code, or password that would permit access to a resident's financial account;

(d) Unique electronic identification number or routing code, in combination with any required security code, access code, or password; or

(e) Unique biometric data, such as a fingerprint, voice print, or retina or iris image, or other unique physical representation.

Personal information does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records; and

(6) Redact means to alter or truncate data such that no more than the last four digits of a social security number, motor vehicle operator's license number, state identification card number, or account number is accessible as part of the personal information.

Sec. 3. (1) An individual or a commercial entity that conducts business in Nebraska and that owns or licenses computerized data that includes personal information about a resident of Nebraska shall, when it becomes aware of a breach of the security of the system, conduct in good faith a reasonable and prompt investigation to determine the likelihood that personal information has been or will be used for an unauthorized purpose. If the investigation determines that the use of information about a Nebraska resident for an unauthorized purpose has occurred or is reasonably likely to occur, the individual or commercial entity

shall give notice to the affected Nebraska resident. Notice shall be made as soon as possible and without unreasonable delay, consistent with the legitimate needs of law enforcement and consistent with any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the computerized data system.

(2) An individual or a commercial entity that maintains computerized data that includes personal information that the individual or commercial entity does not own or license shall give notice to and cooperate with the owner or licensee of the information of any breach of the security of the system when it becomes aware of a breach if use of personal information about a Nebraska resident for an unauthorized purpose occurred or is reasonably likely to occur. Cooperation includes, but is not limited to, sharing with the owner or licensee information relevant to the breach , not including information proprietary to the individual or commercial entity .

(3) Notice required by this section may be delayed if a law enforcement agency determines that the notice will impede a criminal investigation. Notice shall be made in good faith, without unreasonable delay, and as soon as possible after the law enforcement agency determines that notification will no longer impede the investigation.

Sec. 4. (1) An individual or a commercial entity that maintains its own notice procedures which are part of an information security policy for the treatment of personal information and which are otherwise consistent with the timing requirements of section 3 of this act, is deemed to be in compliance with the notice requirements of section 3 of this act if the individual or the commercial entity notifies affected Nebraska residents in accordance with its notice procedures in the event of a breach of the security of the system.

(2) An individual or a commercial entity that is regulated by state or federal law and that maintains procedures for a breach of the security of the system pursuant to the laws, rules, regulations, guidances, or guidelines established by its primary or functional state or federal regulator is deemed to be in compliance with section 3 of this act if the individual or commercial entity notifies affected Nebraska residents in accordance with the maintained procedures in the event of a breach of the security of the system.

Sec. 5. Any waiver of the provisions of the Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006 is contrary to public policy and is void and unenforceable.

Sec. 6. For purposes of the Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006, the Attorney General may issue subpoenas and seek and recover direct economic damages for each affected Nebraska resident injured by a

violation of the act.

Sec. 7. The Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006 applies to the discovery of or notification pertaining to a breach of the security of the system that occurs on or after the operative date of this section.

2. Correct the internal references and the repealer so that the sections added by this amendment become operative three calendar months after the adjournment of this legislative session.

3. Renumber the remaining sections accordingly.

The Redfield amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 366. E & R amendment, AM7141, printed separately and referred to on page 510, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 875. E & R amendment, AM7139, printed separately and referred to on page 472, was adopted.

Senator Beutler offered the following amendment:
AM2189

(Amendments to E & R amendments, AM7139)

1. On page 13, line 2, after the comma insert "whichever is greater,".

Senator Beutler moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Beutler amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Beutler offered the following amendment:
AM2190

(Amendments to E & R amendments, AM7139)

1. Insert the following new sections:

Sec. 4. Section 44-3521, Revised Statutes Supplement, 2005, is amended to read:

44-3521 For purposes of the Motor Vehicle Service Contract Reimbursement Insurance Act:

(1) Director means the Director of Insurance;

(2) Mechanical breakdown insurance means a policy,

contract, or agreement that undertakes to perform or provide repair or replacement service, or indemnification for such service, for the operational or structural failure of a motor vehicle due to defect in materials or workmanship or normal wear and tear and that is issued by an insurance company authorized to do business in this state;

(3) Motor vehicle means any motor vehicle as defined in section 60-339;

(4) Motor vehicle service contract means a contract or agreement given for consideration over and above the lease or purchase price of a motor vehicle that undertakes to perform or provide repair or replacement service, or indemnification for such service, for the operational or structural failure of a motor vehicle due to defect in materials or workmanship or normal wear and tear but does not include mechanical breakdown insurance;

(5) Motor vehicle service contract provider means a person who issues, makes, provides, sells, or offers to sell a motor vehicle service contract, except that motor vehicle service contract provider does not include an insurer as defined in section 44-103;

(6) Motor vehicle service contract reimbursement insurance policy means a policy of insurance ~~providing~~ meeting the requirements in section 44-3523 that provides coverage for all obligations and liabilities incurred by a motor vehicle service contract provider under the terms of motor vehicle service contracts issued by the provider; and

(7) Service contract holder means a person who purchases a motor vehicle service contract.

Sec. 5. Section 44-3522, Reissue Revised Statutes of Nebraska, is amended to read:

44-3522 No motor vehicle service contract shall be issued, sold, or offered for sale in this state unless:

(1) The motor vehicle service contract provider is insured under a motor vehicle service contract reimbursement insurance policy issued by an insurer authorized to do business in this state;

(2) True and correct copies of the motor vehicle service contract and the motor vehicle service contract reimbursement insurance policy have been filed with the director;

(3) The contract conspicuously states: ~~that~~

(a) That the obligations of the motor vehicle service contract provider to the service contract holder are covered under the motor vehicle service contract reimbursement insurance policy; and

~~(4)~~ (b) The ~~contract conspicuously states the~~ name and address of the issuer of the motor vehicle service contract reimbursement insurance policy; and ~~.~~

(4) The service contract holder has signed a separate form, entitled NOTICE OF RISKS, that contains the following

language:

"Neither the motor vehicle service contract nor the motor vehicle service contract reimbursement insurance policy are covered by the Nebraska Property and Liability Insurance Guaranty Association Act and, in the event of insolvency of any party to the contract, no coverage for any losses exists from the Nebraska Property and Liability Insurance Guaranty Association.

The issuer of the motor vehicle service contract reimbursement insurance policy is not a domestic entity and the Department of Insurance can give no assurance that the issuer has adequate reserves to cover potential losses."

The second paragraph of the notice is not required if the motor vehicle service contract reimbursement insurance policy is issued by an insurer that is domiciled in Nebraska.

Sec. 6. Section 44-3523, Reissue Revised Statutes of Nebraska, is amended to read:

44-3523. (1) No motor vehicle service contract reimbursement insurance policy shall be issued, sold, or offered for sale in this state unless the policy conspicuously states that the ~~issuer of the policy~~ insurer will pay on behalf of the motor vehicle service contract provider all sums which the provider is legally obligated to pay in the performance of its contractual obligations under the motor vehicle service contracts issued or sold by the provider.

(2) The motor vehicle service contract reimbursement insurance policy shall completely and fully reimburse the motor vehicle service contract provider for all repair costs incurred under the motor vehicle service contract from the first dollar of coverage. The motor vehicle service contract reimbursement insurance policy shall not require or allow a motor vehicle service contract provider to assume any portion of direct or first-dollar liability for repairs under a motor vehicle service contract. The motor vehicle service contract reimbursement insurance policy shall not include any provision whereby the insurer provides coverage in excess of reserves held by the motor vehicle service contract provider or only in the event of the motor vehicle service contract provider's insolvency or default. All unearned premium reserves and claim reserve funds shall be established as liabilities on the books of the insurer in accordance with statutory accounting practices. This subsection shall not apply to programs directly obligating an automobile dealer to perform under the motor vehicle service contract.

2. Correct the operative date section and repealer so that the sections added by this amendment become operative three calendar months after adjournment of this legislative session.

3. Renumber the remaining sections and correct internal references accordingly.

Senator Beutler withdrew his amendment.

Senators Beutler and Mines offered the following amendment:
AM2201

(Amendments to E & R amendments, AM7139)

1. Insert the following new sections:

Sec. 4. Section 44-3521, Revised Statutes Supplement, 2005, is amended to read:

44-3521 For purposes of the Motor Vehicle Service Contract Reimbursement Insurance Act:

(1) Director means the Director of Insurance;

(2) Mechanical breakdown insurance means a policy, contract, or agreement that undertakes to perform or provide repair or replacement service, or indemnification for such service, for the operational or structural failure of a motor vehicle due to defect in materials or workmanship or normal wear and tear and that is issued by an insurance company authorized to do business in this state;

(3) Motor vehicle means any motor vehicle as defined in section 60-339;

(4) Motor vehicle service contract means a contract or agreement given for consideration over and above the lease or purchase price of a motor vehicle that undertakes to perform or provide repair or replacement service, or indemnification for such service, for the operational or structural failure of a motor vehicle due to defect in materials or workmanship or normal wear and tear but does not include mechanical breakdown insurance;

(5) Motor vehicle service contract provider means a person who issues, makes, provides, sells, or offers to sell a motor vehicle service contract, except that motor vehicle service contract provider does not include an insurer as defined in section 44-103;

(6) Motor vehicle service contract reimbursement insurance policy means a policy of insurance ~~providing~~ meeting the requirements in section 44-3523 that provides coverage for all obligations and liabilities incurred by a motor vehicle service contract provider under the terms of motor vehicle service contracts issued by the provider; and

(7) Service contract holder means a person who purchases a motor vehicle service contract.

Sec. 5. Section 44-3522, Reissue Revised Statutes of Nebraska, is amended to read:

44-3522 No motor vehicle service contract shall be issued, sold, or offered for sale in this state unless:

(1) The motor vehicle service contract provider is insured under a motor vehicle service contract reimbursement insurance policy issued by an insurer authorized to do business in this state;

(2) True and correct copies of the motor vehicle service contract and the motor vehicle service contract reimbursement

insurance policy have been filed with the director;

(3) The contract conspicuously states: ~~that~~

(a) That the obligations of the motor vehicle service contract provider to the service contract holder are covered under the motor vehicle service contract reimbursement insurance policy; and

~~(4)~~ (b) The ~~contract conspicuously states the~~ name and address of the issuer of the motor vehicle service contract reimbursement insurance policy; and ~~.~~

(4) The service contract shall contain the following notice in a conspicous place as determined by the Department of Insurance:

NOTICE OF RISKS -- Neither the motor vehicle service contract nor the motor vehicle service contract reimbursement insurance policy are covered by the Nebraska Property and Liability Insurance Guaranty Association Act and, in the event of insolvency of any party to the contract, no coverage for any losses exists from the Nebraska Property and Liability Insurance Guaranty Association.

The issuer of the motor vehicle service contract reimbursement insurance policy is not a domestic entity and the Department of Insurance can give no assurance that the issuer has adequate reserves to cover potential losses.

I have read this NOTICE OF RISKS ..... (initials of service contract holder).

The second paragraph of the notice is not required if the motor vehicle service contract reimbursement insurance policy is issued by an insurer that is domiciled in Nebraska.

Sec. 6. Section 44-3523, Reissue Revised Statutes of Nebraska, is amended to read:

44-3523 (1) No motor vehicle service contract reimbursement insurance policy shall be issued, sold, or offered for sale in this state unless the policy conspicuously states that the ~~issuer of the policy~~ insurer will pay on behalf of the motor vehicle service contract provider all sums which the provider is legally obligated to pay in the performance of its contractual obligations under the motor vehicle service contracts issued or sold by the provider.

(2) The motor vehicle service contract reimbursement insurance policy shall completely and fully reimburse the motor vehicle service contract provider for all repair costs incurred under the motor vehicle service contract from the first dollar of coverage. The motor vehicle service contract reimbursement insurance policy shall not require or allow a motor vehicle service contract provider to assume any portion of direct or first-dollar liability for repairs under a motor vehicle service contract. The motor vehicle service contract reimbursement insurance policy shall not include any provision whereby the insurer provides coverage in excess of reserves held by the motor vehicle service contract

provider or only in the event of the motor vehicle service contract provider's insolvency or default. All unearned premium reserves and claim reserve funds shall be established as liabilities on the books of the insurer in accordance with statutory accounting practices. This subsection shall not apply to programs directly obligating an automobile dealer to perform under the motor vehicle service contract.

2. Correct the operative date section and repealer so that the sections added by this amendment become operative three calendar months after adjournment of this legislative session.

3. Renumber the remaining sections and correct internal references accordingly.

The Beutler-Mines amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

SPEAKER BRASHEAR PRESIDING

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 287 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 287.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 1121. Indefinitely postponed.

(Signed) Don Pederson, Chairperson

Agriculture

LEGISLATIVE BILL 873. Indefinitely postponed.

(Signed) Bob Kremer, Chairperson

ANNOUNCEMENT

Senator Redfield designates LB 968 as her priority bill.

AMENDMENTS - Print in Journal

Senator Byars filed the following amendment to LB 87:
AM2188

(Amendments to AM1812)

1. On page 10, line 15, after "serve" insert "more than two"; and in line 16 strike ", or more than five consecutive years,".

Senator Schrock filed the following amendment to LB 975:
AM2192

(Amendments to Standing Committee amendments, AM2002)

1. Insert the following sections:

Sec. 17. A county planning commission or county board shall allow a conditional use permit or special exception to any existing animal feeding operation seeking to construct or modify a livestock waste control facility if the purpose of seeking such permit or exception is to comply with federal or state regulations pertaining to livestock waste management. This allowance shall not apply if:

(1) Construction of the livestock waste control facility would allow the capacity of the animal feeding operation to increase by more than the greater of (a) ten percent or (b) five hundred cattle, three hundred fifty dairy cows, one thousand two hundred fifty swine each weighing fifty-five pounds or more, five thousand swine each weighing less than fifty-five pounds, two hundred fifty horses, five thousand sheep or lambs, twenty-seven thousand five hundred turkeys, fifteen thousand laying hens or broilers if the animal feeding operation uses a liquid manure handling system, sixty-two thousand five hundred chickens that are not laying hens if the animal feeding operation uses other than a liquid manure handling system, forty-one thousand laying hens if the animal feeding operation uses other than a liquid manure handling system, fifteen thousand ducks if the animal feeding operation uses other than a liquid manure handling system, or two thousand five hundred ducks if the animal feeding operation uses a liquid manure handling system; or

(2) The operation has not complied with inspection requirements pursuant to section 54-2423.

Sec. 18. Section 81-1513, Reissue Revised Statutes of Nebraska, is amended to read:

81-1513 (1) Any person who owns or is in control of any plant, building structure, process, or equipment may apply to the director for a variance from rules or regulations. The director may grant such variance if he or she finds that the emissions or discharges occurring or proposed to occur do not endanger or tend to endanger human health or safety or that compliance with the rules or regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public.

In making such findings the director shall give due consideration to all the facts and circumstances bearing upon the reasonableness of the emissions or discharges involved including, but not limited to:

(a) The character and degree of injury to or interference with the health and physical property of the people;

(b) The social and economic value of the source of the air, water, or land pollution;

(c) The question of priority of location in the area involved; and

(d) The technical practicability and economic reasonableness of reducing or eliminating the emissions or discharges resulting from such source.

(2) No variance shall be granted until the director has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public. Before any variance is granted, the director shall give public notice of an application for such variance immediately upon receipt of such application and in accordance with the rules and regulations of the department. The notice shall be published in a newspaper of general circulation in the county in which the plant, building structure, process, or equipment on which the proposed variance is located.

(3) Any variance or renewal thereof shall be granted within the requirements of subsection (1) of this section, for time periods and under conditions consistent with the reasons therefor, and within the following limitations:

(a) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement, or control of the air, water, or land pollution involved, it shall be only until the necessary means for prevention, abatement, or control become known and available and subject to the taking of any substitute or alternate measures that the director may prescribe;

(b) If the variance is granted on the ground that compliance with the particular requirement or requirements from which variance is sought will necessitate the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the director, is requisite for the taking of the necessary measures. A variance granted on the ground specified in this section shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable; and

(c) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in subdivision (a) or (b) of this subsection, it shall be for not more than one year.

(4) Any variance granted pursuant to this section may

be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the director on account of the variance, no renewal thereof shall be granted unless the director finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least thirty days prior to the expiration of the variance. Immediately upon receipt of an application for renewal and before approving the renewal application, the director shall give public notice of such application in accordance with rules and regulations of the department. The public notice shall be published in the county in a newspaper of general circulation in which the plant, building structure, process, or equipment on which the variance is located.

(5) A variance or renewal shall not be a right of the applicant or holder thereof but shall be in the discretion of the director. The granting or denial of a variance or a renewal shall be by final order of the director. Any person adversely affected by such an order may appeal the decision, and the appeal shall be in accordance with the Administrative Procedure Act.

(6) Nothing in this section and no variance or renewal granted pursuant to this section shall be construed to prevent or limit the application of the emergency provisions and procedures of section 81-1507 to any person or his or her property.

(7) No variance shall be granted which will sanction any violation of state or federal statutes or regulations.

2. On page 1, line 5, strike "section 16" and insert "sections 16 and 17"; and on page 15, lines 20 and 22, after "chickens" insert "or ducks".

3. Amend the operative date and repealer sections so that the sections added by this amendment become operative on their effective date with the emergency clause.

4. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Senator Pahls asked unanimous consent to add his name as cointroducer to LB 1170. No objections. So ordered.

ANNOUNCEMENT

Pursuant to Rule 8, Sec. 3, the Appropriations Committee presented its preliminary report on February 8, 2006, summarizing the recommended appropriations for the following biennium.

VISITORS

Visitors to the Chamber were Gary Fuchser from Gordon and Marjean Terrell from Hay Springs; members of Leadership Scotts Bluff, Leadership Box Butte, and Scottsbluff/Gering Chamber of Commerce; and the Bellevue

Chamber of Commerce Leadership Class.

The Doctor of the Day was Dr. Ron Craig from Lincoln.

ADJOURNMENT

At 12:00 p.m., on a motion by Senator Pahls, the Legislature adjourned until 9:00 a.m., Thursday, February 9, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 9, 2006

PRAYER

The prayer was offered by Pastor Mike Gruhn, Trinity Lutheran Church, Lexington.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator McDonald who was excused; and Senators Beutler, Brown, Cornett, Friend, Landis, and Redfield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-third day was approved.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 1261. Placed on General File.

LEGISLATIVE BILL 1124. Placed on General File as amended.
Standing Committee amendment to LB 1124:
AM2047

1. Strike the original sections and insert the following new sections:

Section 1. Section 45-1026, Reissue Revised Statutes of Nebraska, is amended to read:

45-1026. (1) The following types of insurance or one or more of the following types of insurance may be written in connection with loans made by licensees under the Nebraska Installment Loan Act:

(a) Fire, theft, windstorm, or comprehensive, including fire, theft, and windstorm, fifty dollars or more deductible collision, and bodily injury liability and property damage

liability upon motor vehicles;

(b) Fire and extended-coverage insurance upon real property;

(c) Fire and extended-coverage insurance upon tangible personal property, limited to the principal amount of the loan;

(d) Involuntary unemployment or job protection insurance. In the event of a renewal of a loan contract, this type of insurance shall be canceled and a refund of the unearned premium credited or made before new insurance of this type may be rewritten. Such insurance shall not be required as a condition precedent to the making of such loan; and

(e) Life, health, and accident insurance or any of them, except that the amount of such insurance shall not exceed the total amount to be repaid under the loan contract and the term shall not extend beyond the final maturity date of the loan contract. In the event of a renewal of a loan contract, this type of insurance shall be canceled and a refund of the unearned premium credited or made before new insurance of this type may be written in connection with such loan. Such insurance shall not be required as a condition precedent to the making of such loan.

(2) In addition to the types of insurance written under subsection (1) of this section by licensees under the act, any other type of insurance or motor club service as defined in section 44-3707 may be ~~written for~~ provided for the benefit of a licensee's borrower or the borrower's immediate family whether or not in connection with a loan, except that such insurance or motor club service shall not be required as a condition precedent to the making of any loan. Nothing in this subsection alters or eliminates any insurance licensing requirements or certificate of authority requirements under the Motor Club Services Act.

(3) Notwithstanding sections 45-1024 and 45-1025, any gain or advantage, in the form of commission or otherwise, to the licensee or to any employee, affiliate, or associate of the licensee from such insurance or motor club service or ~~its~~ the sale thereof shall not be deemed to be an additional or further charge in connection with the loan contract. The insurance premium ~~for such insurance~~ or motor club service contract fee may be collected from the borrower or ~~included in~~ financed through the loan contract at the time the loan is made.

~~(4)~~ (4)(a) Insurance permitted under this section shall be obtained through a duly licensed insurance agent, agency, or broker. Premiums shall not exceed those fixed by law or current applicable manual rates. Insurance written, as authorized by this section, may contain a mortgage clause or other appropriate provision to protect the insurable interest of the licensee.

(b) Motor club services permitted under this section shall be obtained through a motor club which holds a certificate of authority under the Motor Club Services Act.

(5) In the event of a renewal of a loan contract, any

insurance or motor club service sold pursuant to this section shall be canceled and (a) a refund of the unearned premium or motor club service contract fee credited or made before new insurance or motor club service of the same type as that being canceled may be rewritten or (b) the holder of the loan contract shall send notice to the buyer within fifteen business days after cancellation of the name, address, and telephone number of the insurance company or motor club which issued the insurance contract or motor club service contract or the party responsible for any refund and notice that the buyer may be eligible for a refund. A copy of such notice shall be retained by the holder of the loan contract.

(6) If any insurance or motor club service sold pursuant to this section is canceled or the premium or motor club service contract fee adjusted during the term of the loan contract, any refund of the insurance premium or motor club service contract fee plus the unearned interest thereon received by the holder shall be credited by the holder to the loan contract or otherwise refunded, except to the extent applied toward payment for similar insurance or motor club service protecting the interests of the buyer and the holder or either of them.

(7) If any insurance or motor club service sold pursuant to this section is canceled due to the payment of all sums for which the buyer is liable under a loan contract, the holder of the loan contract shall, upon receipt of payment of all sums due, send notice to the buyer within fifteen business days after payment of the sums due of the name, address, and telephone number of the insurance company or motor club which issued the insurance contract or motor club service contract or the party responsible for any refund and notice that the buyer may be eligible for a refund. A copy of such notice shall be retained by the holder of the loan contract. This subsection does not apply if the holder of the loan contract previously credited the refund of the insurance premium or motor club service contract fee to the loan contract or otherwise refunded the insurance premium or motor club service contract fee to the buyer.

Sec. 2. Original section 45-1026, Reissue Revised Statutes of Nebraska, is repealed.

LEGISLATIVE BILL 1122. Indefinitely postponed.

(Signed) Mick Mines, Chairperson

MOTIONS - Approve Appointments

Senator Raikes moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 567:

Coordinating Commission for Postsecondary Education

Dick Davis

Voting in the affirmative, 36:

Aguilar	Cudaback	Howard	Louden	Stuhr
Baker	Cunningham	Janssen	Pedersen, Dw.	Stuthman
Brashear	Engel	Jensen	Pederson, D.	Thompson
Burling	Erdman	Johnson	Price	Wehrbein
Byars	Fischer	Kopplin	Raikes	
Chambers	Flood	Kremer	Schimek	
Combs	Foley	Kruse	Schrock	
Connealy	Heidemann	Langemeier	Smith	

Voting in the negative, 0.

Present and not voting, 6:

Bourne	Mines	Preister
Hudkins	Pahls	Synowiecki

Excused and not voting, 7:

Beutler	Cornett	Landis	Redfield
Brown	Friend	McDonald	

The appointment was confirmed with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Senator Janssen moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 567:

State Electrical Board
Edwin Bergstraesser
Cory Mueller

Voting in the affirmative, 29:

Aguilar	Cudaback	Heidemann	Kremer	Schrock
Baker	Cunningham	Hudkins	Langemeier	Smith
Burling	Engel	Janssen	Louden	Stuhr
Chambers	Erdman	Jensen	Pedersen, Dw.	Stuthman
Combs	Fischer	Johnson	Pederson, D.	Synowiecki
Connealy	Foley	Kopplin	Price	

Voting in the negative, 0.

Present and not voting, 14:

Beutler	Byars	Kruse	Preister	Thompson
Bourne	Flood	Mines	Raikes	Wehrbein
Brashear	Howard	Pahls	Schimek	

Excused and not voting, 6:

Brown	Friend	McDonald
Cornett	Landis	Redfield

The appointments were confirmed with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1111. Title read. Considered.

Senator Chambers offered the following amendment:
FA421
P. 2, line 3 strike "shall be and" and show as stricken; in line 11 strike "them" and show as stricken, and insert "the members".

The Chambers amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 874. Placed on Select File as amended.
E & R amendment to LB 874:
AM7156

1. On page 1, line 6, after the first semicolon insert "to provide for electronic format for application information; to provide, change, and eliminate provisions relating to distribution of funds under the act; to provide for reciprocal licensure;".
2. On page 2, lines 2 and 23; page 13, line 22; page 23, lines 7 and 22; page 25, line 15; page 26, line 23; page 28, line 19; page 30, line 19; page 31, line 21; page 33, line 1; page 35, line 16; and page 40, line 14, after "Supplement" insert a comma.
3. On page 15, line 4, strike the period, show as stricken, and insert an underscored semicolon; and in lines 6 and 7 strike "the department may", show as stricken, and insert "to".
4. On page 21, line 24, strike "(2)", show as stricken, and insert "(3)".

LEGISLATIVE BILL 1007. Placed on Select File as amended.
E & R amendment to LB 1007:
AM7158

1. On page 1, strike beginning with "update" in line 8 through "regulations" in line 10 and insert "change provisions

relating to explosives, fireworks, liquefied petroleum gas, motor vehicle operators' licenses, motor vehicle equipment requirements, carrier enforcement officers, and motor carriers".

2. On page 3, line 20; and page 5, line 3, strike "shall", show as stricken, and insert "does".

3. On page 4, line 8; and page 7, lines 22 and 23, strike "shall include", show as stricken, and insert "includes".

4. On page 7, line 23, strike "not be", show as stricken, and insert "is not".

5. On page 14, line 11, after "Carrier" insert "Safety".

6. On page 22, line 24; page 23, line 1; and page 25, line 7, strike the comma and show as stricken.

7. On page 25, line 10; page 44, line 19; and page 45, line 15, strike the comma.

8. On page 25, line 14, strike "section 14 of this act" and insert "this section"; and in line 17 strike "definition" and insert "subdivision".

9. On page 27, line 1, after "vehicle" insert an underscored comma.

10. On page 35, line 9, after the third comma insert "or"; and in line 23 strike "5" and insert "14".

11. On page 46, line 9, after the second comma insert "and"; and in line 12 after "Supplement" insert a comma.

LEGISLATIVE BILL 776. Placed on Select File.

LEGISLATIVE BILL 818. Placed on Select File as amended.
E & R amendment to LB 818:
AM7157

1. On page 1, line 3, strike "and"; and in line 4 after "section" insert "; and to declare an emergency".

(Signed) Michael Flood, Chairperson

GENERAL FILE

LEGISLATIVE BILL 454A. Senator Chambers renewed his pending motion, found on page 319, to indefinitely postpone.

Senator Chambers withdrew his motion.

Senator Combs renewed her pending amendment, AM2169, found on page 581.

The Combs amendment was adopted with 26 ayes, 9 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 29 ayes, 8 nays, 7 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 996. Title read. Considered.

Senator Chambers offered the following amendment:
FA423
1. P. 2, lines 2-19 reinstate the stricken language and strike the new language.
2. Strike beginning with "No" in line 15 through the period in line 19.

The Chambers amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 996A. Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 929. Placed on General File as amended.
Standing Committee amendment to LB 929:
AM2161
1. On page 4, line 22; and page 5, line 8, strike "customer's" and insert "buyer's".
2. On page 5, lines 3 and 14, strike "borrower's" and insert "buyer's".
3. On page 6, line 7; and page 17, line 12, after "institution" insert "or by an unaffiliated, nonexclusive agent of such financial institution in accordance with 12 C. F. R. part 37, as such part existed on January 1, 2006, and the financial institution is responsible for the unaffiliated, nonexclusive agent's compliance with such part".
4. On page 8, line 16; and page 9, line 2, strike "customer's" and insert "borrower's".
5. On page 17, line 8, strike "collection" and insert "cancellation".

(Signed) Mick Mines, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 1023. Placed on General File as amended.
Standing Committee amendment to LB 1023:
AM2148
1. On page 5, line 9, after "plan" insert "unless the district health department establishes an independent pension plan

3 or retirement plan for its officers or employees".

(Signed) Elaine Stuhr, Chairperson

Business and Labor

LEGISLATIVE BILL 463. Indefinitely postponed.
LEGISLATIVE BILL 486. Indefinitely postponed.
LEGISLATIVE BILL 487. Indefinitely postponed.
LEGISLATIVE BILL 488. Indefinitely postponed.
LEGISLATIVE BILL 1218. Indefinitely postponed.

(Signed) Douglas Cunningham, Chairperson

ANNOUNCEMENT

Senator Baker announced the Transportation and Telecommunications Committee will hold an executive session Monday, February 13, 2006, at 1:30 p.m., in Room 1113.

NOTICE OF COMMITTEE HEARING
Transportation and Telecommunications
Room 1113

Tuesday, February 28, 2006 1:30 p.m.
Duane W. Acklie - State Highway Commission
John Kingsbury - State Highway Commission
Douglas Leafgreen - State Highway Commission
Greg Wolford - State Highway Commission
Gene Acklie - Board of Public Roads Classifications and Standards
Barbara Keegan - Board of Public Roads Classifications and Standards
Dean Lux - Board of Public Roads Classifications and Standards
Arthur Yonkey - Board of Public Roads Classifications and Standards
Charles A. Borgmann - Nebraska Motor Vehicle Industry Licensing Board
Jamie Karl - Nebraska Railway Council
Robert Kelly - Nebraska Railway Council
Michael Shannon - Nebraska Railway Council
Doug Kristensen - Nebraska Information Technology Commission
Janie C. Park - Nebraska Information Technology Commission

(Signed) Tom Baker, Chairperson

STANDING COMMITTEE REPORTS
Business and Labor

The Business and Labor Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

William Blake - Commission of Industrial Relations
G. Pete Burger - Commission of Industrial Relations

VOTE: Aye: Senators Cunningham, Combs, Burling, Chambers, Kremer, Preister and Schimek. Nay: None. Absent: None.

(Signed) Douglas Cunningham, Chairperson

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Rod Gangwish - Environmental Quality Council

VOTE: Aye: Senators Hudkins, Kopplin, Kremer, Louden, McDonald, Schrock, Smith, Stuhr. Nay: None. Absent: None.

(Signed) Ed Schrock, Chairperson

GENERAL FILE

LEGISLATIVE BILL 173. Title read. Considered.

The Standing Committee amendment, AM2018, found on page 532, was considered.

Senator Chambers offered the following amendment to the Standing Committee amendment:
FA424
Amend AM2018
P. 1, line 8 strike "or" and show as stricken and after "company" insert "or billiards parlor"

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment to the Standing Committee amendment:
FA425
Amend AM2018
P. 1, line 15 strike "engaged in" and show as stricken and insert "doing".

SENATOR SCHIMEK PRESIDING

The Chambers amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Senator Chambers offered the following amendment to the Standing Committee amendment:
FA426

Amend AM2018
P. 1, lines 9 and 10 strike "(other than a public corporation) and show as stricken, and in line 12 after "individuals" insert ", but does not include a public corporation".

The Chambers amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Senator Chambers offered the following amendment to the Standing Committee amendment:
FA427
Amend AM2018
P. 2, line 4 strike ", but not by way of limitation" and show as stricken.

Senator Chambers asked unanimous consent to withdraw his pending amendment, FA427, found in this day's Journal, and replace it with his substitute amendment, FA433. No objections. So ordered.
FA433
Amend AM2018
P. 2, line 4 strike "by way of limitation" and show as stricken and insert "limited to".

SENATOR CUDABACK PRESIDING

The Chambers amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Senator Chambers offered the following amendment to the Standing Committee amendment:
FA428
Amend AM2018
P. 3, line 1 strike the period and insert ", except as provided in subsection (e) of this section."

The Chambers amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Senator Chambers offered the following amendment to the Standing Committee amendment:
FA429
Amend AM2018
P. 3, line 12 strike "charged" and insert "assessed".

The Chambers amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Senator Chambers offered the following amendment to the Standing Committee amendment:

FA431
Amend AM2018
P. 4, line 9 strike "only" and after "applies" insert "only".

The Chambers amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Senator Chambers offered the following amendment to the Standing Committee amendment:
FA432
Amend AM2018
P. 4, lines 19 and 25 after "and" insert "after".

The Chambers amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Senator Landis offered the following amendment to the Standing Committee amendment:
FA434
Amend AM2018
Notwithstanding any other provision an unclaimed gift card or gift certificate shall be presumed abandoned and escheat to the permanent School Fund after a period not to exceed 7 years or the time a court would declare a missing person legally dead which ever is later in time.

Pending.

ANNOUNCEMENT

Senator Baker designates LB 904 as his priority bill.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 1049. Placed on General File.

LEGISLATIVE BILL 1074. Placed on General File as amended.
Standing Committee amendment to LB 1074:
AM2202
1. Strike sections 2, 3, and 4.

LEGISLATIVE BILL 5. Indefinitely postponed.
LEGISLATIVE BILL 223. Indefinitely postponed.
LEGISLATIVE BILL 229. Indefinitely postponed.
LEGISLATIVE BILL 285. Indefinitely postponed.
LEGISLATIVE BILL 314. Indefinitely postponed.
LEGISLATIVE BILL 467. Indefinitely postponed.
LEGISLATIVE BILL 527. Indefinitely postponed.
LEGISLATIVE BILL 561. Indefinitely postponed.

LEGISLATIVE BILL 595. Indefinitely postponed.
LEGISLATIVE BILL 616. Indefinitely postponed.
LEGISLATIVE BILL 622. Indefinitely postponed.
LEGISLATIVE BILL 636. Indefinitely postponed.
LEGISLATIVE BILL 681. Indefinitely postponed.
LEGISLATIVE BILL 835. Indefinitely postponed.
LEGISLATIVE BILL 880. Indefinitely postponed.
LEGISLATIVE BILL 993. Indefinitely postponed.

LEGISLATIVE RESOLUTION 23. Indefinitely postponed.
LEGISLATIVE RESOLUTION 24CA. Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

Urban Affairs

LEGISLATIVE RESOLUTION 272CA. Placed on General File as amended.
Standing Committee amendment to LR 272CA:
AM2184

1. Strike the original sections and insert the following new sections:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 12:

VIII-12 For the purpose of developing, rehabilitating, acquiring, or redeveloping ~~substandard and blighted property in a redevelopment project as determined by law,~~ property, the Legislature may by general law authorize any city or village of the state ~~may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions,~~ within its corporate boundaries or within the area in which it exercises planning, zoning, and code enforcement authority or any county to incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise, notwithstanding any other provision in this Constitution and without regard to charter limitations and restrictions. Notwithstanding any other provision in ~~the~~ this Constitution or a local charter, such cities, ~~or~~ villages, or counties may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, which taxes shall be at such rate for a period not to exceed ~~fifteen~~ thirty years, on the assessed valuation of the property ~~in the project area portion of a designated blighted and substandard area~~ that is in excess of the assessed valuation of such property for the year prior to such development, rehabilitation, acquisition, or redevelopment.

When such indebtedness and the interest thereon have been

paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to remove a requirement that property be substandard and blighted for purposes of rehabilitating, acquiring, or redeveloping such property through use of public debt or special property tax treatment, to add development as a purpose for use of the constitutional provision authorizing public debt and special property tax treatment, to permit counties and cities and villages outside their corporate boundaries to use such constitutional provision, and to extend the term of such special tax treatment from fifteen to thirty years.

For

Against.

LEGISLATIVE RESOLUTION 275CA. Placed on General File as amended.

Standing Committee amendment to LR 275CA:

AM2186

1. On page 2, strike lines 7 through 15 and insert the following new paragraph:

"Notwithstanding any other provision in this Constitution, the Legislature may provide that the limitation to a period of fifteen years on the collection of all taxes levied on the excess value of property in the project area portion of a designated blighted and substandard area collected for the payment of the indebtedness incurred for the purpose of rehabilitating, acquiring, or redeveloping such substandard and blighted property shall not apply if the property in the project area portion of a designated blighted and substandard area is located inside or immediately contiguous to the corporate limits of a city or village, if more than one-half of the property by area within the project area is owned by the State of Nebraska and if the indebtedness to be incurred for the rehabilitation, acquisition, or redevelopment of such property cannot be reasonably financed within fifteen years.".

(Signed) Mike Friend, Chairperson

AMENDMENT - Print in Journal

Senator Chambers filed the following amendment to LB 75:

FA422

Amend AM2042

P. 1, line 16 after "cities," insert "except a city of the metropolitan class as defined by law".

WITHDRAW - Cointroducer

Senator Synowiecki withdrew his name as cointroducer to LB 1022.

UNANIMOUS CONSENT - Add Cointroducer

Senator Dw. Pedersen asked unanimous consent to add his name as cointroducer to LB 1144. No objections. So ordered.

VISITORS

Visitors to the Chamber were Mark Engler and Camille Fink from Beatrice; 13 members of Hamilton County Leadership Class; 10 high school students and teacher from Park Avenue Christian School, Norfolk; 10 residents of Carriage Glen Retirement Home, Lincoln; 24 seventh-grade students and teacher from Cross County School, Benedict; and 20 sixth-, seventh-, and eighth-grade students and teacher from Dawson County District 22, Lexington.

The Doctor of the Day was Dr. Dale Michels from Lincoln.

ADJOURNMENT

At 12:06 p.m., on a motion by Senator Combs, the Legislature adjourned until 9:00 a.m., Friday, February 10, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-FIFTH DAY - FEBRUARY 10, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 10, 2006

PRAYER

The prayer was offered by Pastor Lynette Janssen, St. John's Lutheran Church, Otoe.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Beutler, Brashear, Cornett, Cunningham, Engel, McDonald, and Pahls who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1111. Placed on Select File.

LEGISLATIVE BILL 454A. Placed on Select File as amended.
E & R amendment to LB 454A:
AM7160
1. On page 1, line 3, strike "First Session, 2005" and insert "Second Session, 2006".

(Signed) Michael Flood, Chairperson

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 1019. Placed on General File as amended.
(Standing Committee amendment, AM2207, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Elaine Stuhr, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 1151. Placed on General File as amended.
Standing Committee amendment to LB 1151:
AM2235
1. On page 2, line 23, after "60-3,118" insert ", and a maximum of six characters may be used".
2. On page 3, line 6, after "The" insert "initial".

(Signed) Tom Baker, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 902. Indefinitely postponed.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Richard Christensen - State Emergency Response Commission
Tim Hofbauer - State Emergency Response Commission
Mark Reimers - State Emergency Response Commission

VOTE: Aye: Senators Burling, Fischer, Mines, Pahls, Schimek, Wehrbein. Nay: None. Absent: Senators Brown, Langemeier.

(Signed) DiAnna R. Schimek, Chairperson

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Michael Siedschlag - Nebraska Power Review Board

VOTE: Aye: Senators Hudkins, Kopplin, Kremer, Louden, Schrock, Smith, Stuhr. Nay: None. Absent: Senator McDonald.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Mark Whitehead - Environmental Quality Council

VOTE: Aye: Senators Hudkins, Kopplin, Kremer, Louden, Schrock, Smith, Stuhr. Nay: None. Absent: Senator McDonald.

(Signed) Ed Schrock, Chairperson

AMENDMENT - Print in Journal

Senator Kremer filed the following amendment to LB 856:
AM2214
(Amendments to Standing Committee amendments, AM2107)
1. On page 4, line 2, after "located" insert "to the extent that this section does not conflict with State Veterinarian's disease surveillance authorities pursuant to section 54-701.02".

ANNOUNCEMENT

The Natural Resources Committee designates LB 933 as its priority bill.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 9, 2006, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Blankenau, Don, of Fennemore Craig
Resources Districts, Nebraska Association of

REPORTS

The following reports were received by the Legislature:

Economic Development, Department of
2004-2005 Fiscal Year Annual Report
Investment Finance Authority
Community Development Loan Notes (City of Lincoln Program-2006)
Roads, Department of
2005 Annual Report

MOTIONS - Approve Appointments

Senator Kremer moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 582:
State Fair Board
Linda Lovgren

Voting in the affirmative, 34:

Aguilar	Cudaback	Howard	Landis	Schrock
Baker	Erdman	Hudkins	Langemeier	Stuhr
Bourne	Fischer	Janssen	Louden	Stuthman
Brown	Flood	Jensen	Mines	Synowiecki
Burling	Foley	Johnson	Pedersen, Dw.	Thompson
Byars	Friend	Kopplin	Pederson, D.	Wehrbein
Combs	Heidemann	Kremer	Raikes	

Voting in the negative, 0.

Present and not voting, 8:

Chambers	Kruse	Price	Schimek
Connealy	Preister	Redfield	Smith

Excused and not voting, 7:

Beutler	Cornett	Engel	Pahls
Brashear	Cunningham	McDonald	

The appointment was confirmed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Senator Kremer moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 582:

State Fair Board

John Peetz

Voting in the affirmative, 33:

Aguilar	Cudaback	Jensen	Louden	Schrock
Baker	Erdman	Johnson	Mines	Stuhr
Brashear	Fischer	Kopplin	Pedersen, Dw.	Stuthman
Burling	Flood	Kremer	Pederson, D.	Synowiecki
Byars	Friend	Kruse	Price	Wehrbein
Connealy	Heidemann	Landis	Raikes	
Cornett	Janssen	Langemeier	Redfield	

Voting in the negative, 0.

Present and not voting, 11:

Bourne	Combs	Hudkins	Smith
Brown	Foley	Preister	Thompson
Chambers	Howard	Schimek	

Excused and not voting, 5:

Beutler Cunningham Engel McDonald Pahls

The appointment was confirmed with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1003. E & R amendment, AM7149, found on page 522, was adopted.

Senator Landis renewed his pending amendment, AM2152, found on page 566.

The Landis amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 2CA. E & R amendment, AM7077, found on page 1129, First Session, 2005, was adopted.

Senator Chambers offered the following amendment:
FA436
P. 2, line 25 strike "primarily".

The Chambers amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 85. E & R amendment, AM7143, found on page 514, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 85A. E & R amendment, AM7144, found on page 515, was adopted.

Senator Chambers offered the following amendment:
FA437
Amendment to AM1879
Line 3, strike "$59,594" and insert "$30,000"; line 4, strike "$82,296" and insert $40,000

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment:

FA438
Amendment to AM1879
Line 3 strike "$59,594" and insert "$30,000"; and in line 5 strike "$105,226" and insert "$55,000".

The Chambers amendment was adopted with 28 ayes, 1 nay, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 14. E & R amendment, AM7148, found on page 522, was adopted.

Advanced to E & R for engrossment.

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 1160. Placed on General File as amended.
Standing Committee amendment to LB 1160:
AM2182

1. Strike original section 2 and insert the following new section:

Sec. 2. (1) On or before January 1, 2007, the commission may adopt and promulgate rules and regulations governing programs which provide training for persons employed in the sale and service of alcoholic liquor and management of licensed premises. Such rules and regulations may include, but need not be limited to:

(a) Minimum standards governing training of beverage servers, including standards and requirements governing curriculum, program trainers, and certification requirements;

(b) Minimum standards governing training in management of licensed premises, including standards and requirements governing curriculum, program trainers, and certification requirements;

(c) Minimum standards governing the methods allowed for training programs which may include the Internet, interactive video, live training in various locations across the state, and other means deemed appropriate by the commission;

(d) Methods for approving beverage server training organizations and programs;

(e) Enrollment fees in an amount determined by the commission to be necessary to cover the expense of enrolling in a training program offered by the commission pursuant to subsection (2) of this section, but not to exceed thirty dollars; and

(f) Procedures and fees for certification.

(2) The commission may create a program to provide training for persons employed in the sale and service of alcoholic liquor and management of licensed premises. The program shall

include training on the issues of sale or service of alcoholic liquor to minors and to visibly inebriated purchasers. The commission may charge each person enrolling in the program an enrollment fee as provided in the rules and regulations.

(3) A person who has completed a training program which complies with the rules and regulations, whether such program is offered by the commission or by another organization, may be certified by the commission upon filing evidence that he or she has completed such program and paying the certification fee established under this section.

(4) The Beverage Server Training and Certification Program Cash Fund is created. The fund shall be under the direction of the commission. Enrollment fees received pursuant to any beverage server training and certification program offered by the commission and certification fees shall be placed into the fund. The commission shall use the fund to provide support for beverage server and management training and certification activities and operating expenses. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(Signed) Ray Janssen, Chairperson

Judiciary

LEGISLATIVE BILL 279. Placed on General File as amended.
Standing Committee amendment to LB 279:
AM2108

1. On page 2, line 4, after the period insert "This section does not apply to a residential rental agreement containing a provision for attorney's fees prohibited under subdivision (1)(c) of section 76-1415.".

LEGISLATIVE BILL 885. Indefinitely postponed.

The Judiciary Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Miguel Gomez - Board of Parole
Rosalyn R. Cotton - Board of Parole

VOTE: Aye: Senators Aguilar, Bourne, Chambers, Combs, Flood, Friend, Dw. Pedersen. Nay: None. Absent: None. Not Voting: Senator Foley.

(Signed) Patrick J. Bourne, Chairperson

COMMUNICATIONS

February 3, 2006

Mr. Patrick O'Donnell
Clerk of the Legislature
Room 2018
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Pursuant to the Provisions of Section 85-408, R.R.S. of Nebraska, 1943 Legislative approval is required for the following University of Nebraska project:

University of Nebraska at Kearney, Student Housing Construction Project Amended Budget and Resolution. The University of Nebraska at Kearney proposes to transfer up to $1,500,000 from the 1986 Surplus Fund. The additional funds will provide for adding 32 beds to the original $20,280,000 Student Housing Project financed by the issuance of revenue bonds.

The additional expenditure relates to the Bond Resolution dated December 1, 1964, authorizing the issuance of Revenue Bonds by the Board of Regents. The Board has issued revenue bonds payable from the revenues and fees derived from the ownership and operation of the dormitories and other facilities for the housing and boarding of students, student unions, student health facilities and other facilities for the activities of students located on the campus of the University of Nebraska at Kearney, under which a 1986 Surplus Fund was created.

Section 6.2 of the Resolution requires the Board to operate the Facilities (as defined in the Resolution) in an efficient, sound and economical manner and to keep all facilities and betterments hereto in good repair, working order and condition and to make all necessary and proper repairs, renewals, replacements, additions, extension and betterments thereto, so that at all times the business carried on in connection therewith shall be properly and advantageously conducted.

Request. The University requests approval of additional funds in the amount of $1,500,000 for adding beds for the 2005 Student Housing Project with a new total of $21,780,000. The additional funds will be financed from the Bond Surplus Funds. The increase will enable beds to be added to the project at a relatively reasonable incremental cost per bed without any changes to the more expensive infrastructure that supports a project of this magnitude. The request for proposal will ask contractors to bid on the project based on the original scope and, additionally, propose a bid alternate as to what the incremental cost

would be for adding the additional beds. Based upon the bids received, the best value will be selected from among the responses.

The Board of Regents authorized the expenditure of $20,280,000 for the Student Housing Project at the June 10, 2005, meeting and approved the amended budget and resolution for an additional expenditure of $1,500,000 for a total project cost of $21,780,000 on December 1, 2005. The Nebraska Coordinating Commission for Postsecondary Education approved the expenditure for the Student Housing Project at their meeting on August 9, 2005, and the amended budget and resolution on February 2, 2006.

Thank you for your consideration of this project.

Respectfully submitted,
(Signed) Donal J. Burns
Corporation Secretary

February 10, 2006

Senator Pat Engel
Chairman, Executive Board
Room 2010, State Capitol
Lincoln, NE 68509

Dear Senator Engel,

Enclosed is correspondence from Donal Burns, Corporation Secretary for the Office of the President of the University of Nebraska and correspondence from the Coordinating Commission for Postsecondary Education. The correspondence relates to expenditure of bond surplus funds for the following:

University of Nebraska at Kearney: Student Housing Construction Project.

I am forwarding this correspondence to you for Executive Board action.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board referred the University of Nebraska's request to issue revenue bonds to the Appropriations Committee for further consideration.

(Signed) Pat Engel, Chairperson
Legislative Council, Executive Board

GENERAL FILE

LEGISLATIVE BILL 853. The Standing Committee amendment, AM1986, printed separately and referred to on page 455 and considered on page 568, was renewed.

The Standing Committee amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Senator Langemeier offered the following amendment:
FA439
Amendment to AM1986
On page 13, line 15 after "personnel" add "with a valid military driver's license"

The Langemeier amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Senator Flood offered the following amendment:
FA440
Amendment to AM1986
1. Pg. 5, line 20, after "director" strike "may" and insert "shall."
2. Pg. 5, line 21, after "payment" insert "of certified funds."
3. Pg. 5, line 23, after "costs" insert "not to exceed twenty-five dollars."

The Flood amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Senator Chambers offered the following amendment:
FA441
Amendment to AM1986
P. 6, strike lines 5-14 and renumber.

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment:
FA442
Amendment to AM1986
P. 8, line 12 strike "over" and show as stricken, and insert "<u>older than</u>";

SENATOR JANSSEN PRESIDING

SENATOR CUDABACK PRESIDING

Senator Chambers withdrew his amendment.

Advanced to E & R for review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

AMENDMENT - Print in Journal

Senator Byars filed the following amendment to LB 87:
AM2239

(Amendments to AM1812)

1. On page 10, line 15, after "serve" insert "more than two"; in line 16 strike ", or more than five consecutive years,"; and strike beginning with "affording" in line 21 through "notice" in line 24 and insert "a public hearing in accordance with the Administrative Procedure Act".

VISITORS

Visitors to the Chamber were Senator Janssen's sister and cousin, Erlaine Plugge from Ralston and Joel Janssen from Papillion; and Jill Bauermeister from Columbus.

The Doctor of the Day was Dr. Lane Handke from Lincoln.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Synowiecki, the Legislature adjourned until 10:00 a.m., Monday, February 13, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 13, 2006

PRAYER

The prayer was offered by Pastor Robert Arnold, Southview Christian Church, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Heidemann, Landis, Price, and Redfield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fifth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 996. Placed on Select File as amended.
E & R amendment to LB 996:
AM7159

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 12-1301, Revised Statutes Supplement, 2005, is amended to read:

12-1301 (1) The Director of Veterans' Affairs may establish and operate a state veteran cemetery system consisting of a facility in Box Butte County, a facility in Sarpy County, and the Nebraska Veterans' Memorial Cemetery in Hall County. The director may seek and expend private, state, and federal funds for the establishment, construction, maintenance, administration, and operation of the cemetery system as provided in this section. Any gift, bequest, or devise of real property for the cemetery system shall be subject to the approval requirements of section 81-1108.33 notwithstanding the value of the real property. All funds received

for the construction of the cemetery system shall be remitted to the State Treasurer for credit to the Veteran Cemetery Construction Fund. ~~No revenue from the General Fund shall be remitted to the Veteran Cemetery Construction Fund for use in the construction of the state veteran cemetery system.~~ Any funds remaining in the Veteran Cemetery Construction Fund following the completion of construction of the three facilities comprising the state veteran cemetery system shall upon such completion be transferred to the Nebraska Veteran Cemetery System Endowment Fund, and the Veteran Cemetery Construction Fund shall thereafter terminate.

(2)(a) A trust fund to be known as the Nebraska Veteran Cemetery System Endowment Fund is hereby created. The fund shall consist of:

(i) Gifts, bequests, grants, or contributions from private or public sources designated for the maintenance, administration, or operation of the state veteran cemetery system;

(ii) Any funds transferred from the Veteran Cemetery Construction Fund following the completion of construction of the three facilities comprising the state veteran cemetery system; and

(iii) Following the termination of the Veteran Cemetery Construction Fund, any funds received by the state from any source for the state veteran cemetery system.

(b) No revenue from the General Fund shall be remitted to the Nebraska Veteran Cemetery System Endowment Fund. The Legislature shall not appropriate or transfer money from the Nebraska Veteran Cemetery System Endowment Fund for any purpose other than as provided in this section. Any money in the Nebraska Veteran Cemetery System Endowment Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. No portion of the principal of the Nebraska Veteran Cemetery System Endowment Fund shall be expended for any purpose except investment pursuant to this subdivision. All investment earnings from the Nebraska Veteran Cemetery System Endowment Fund shall be credited on a quarterly basis to the Nebraska Veteran Cemetery System Operation Fund.

(3) There is hereby created the Nebraska Veteran Cemetery System Operation Fund. Money in the fund shall be used for the operation, administration, and maintenance of the state veteran cemetery system. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(4) The director may make formal application to the federal government regarding federal financial assistance for the construction of any of the facilities comprising the state veteran cemetery system which is located in a county with a population of less than one hundred thousand persons when he or she determines that the requirements for such assistance have been met.

(5) The director may make formal application to the federal government regarding financial assistance for the construction of any facility comprising a portion of the state veteran cemetery system located in a county with a population of more than one hundred thousand persons when sufficient funds have been remitted to the Nebraska Veteran Cemetery System Endowment Fund such that (a) the projected annual earnings from such fund available for transfer to the Nebraska Veteran Cemetery System Operation Fund plus (b) the projected annual value of formal agreements that have been entered into between the state and any political subdivisions or private entities to subsidize or undertake the operation, administration, or maintenance of any of the facilities within the state veteran cemetery system, has a value that is sufficient to fund the operation, administration, and maintenance of any cemetery created pursuant to this subsection.

(6) The director may expend such funds as may be available for any of the purposes authorized in this section.

(7) The director, with the approval of the Governor, may enter into agreements for cemetery construction, administration, operation, or maintenance with qualified persons, political subdivisions, or business entities. The director shall provide lots in the cemetery system for the interment of deceased veterans as defined by the National Cemetery Administration of the United States Department of Veterans Affairs. The director shall provide lots for the interment of those veterans' spouses, minor children, and unmarried adult children who were physically or mentally disabled and incapable of self-support. Section 12-501 does not apply to the state veteran cemetery system.

(8) The Veteran Cemetery Construction Fund is created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(9) The Nebraska Veterans Cemetery Advisory Board is created. The board shall consist of seven members. One member shall be the director who shall serve as the chairperson of the board. Three members of the board shall be veterans appointed by the Governor from a list of candidates forwarded by the county board of each county within which a state veteran cemetery system facility is located. Three members with experience in cemetery administration or operation, one from each congressional district, shall be appointed by the Governor. The members of the board shall receive no compensation but shall be reimbursed for their actual and necessary expenses in the discharge of their duties as provided in sections 81-1174 to 81-1177. The board shall meet from time to time as requested by the director to review the status of the state veteran cemetery system, to recommend actions to facilitate the development of the system, to assist in fundraising from public or private sources for the construction, operation, administration, and maintenance of the system, and to advise the director on

the most appropriate actions for the state to undertake in the development of the system and the priorities for action.

(10) The director may adopt and promulgate rules and regulations to carry out this section. The rules and regulations shall include requirements for proof of residency, cost of burial if any, and standards for cemeteries, including decorations and headstones.

Sec. 2. Original section 12-1301, Revised Statutes Supplement, 2005, is repealed.

2. On page 1, line 3, strike "modify" and insert "eliminate" and strike "Fund money" and insert "Funds".

Correctly Engrossed

The following bills were correctly engrossed: LBs 366, 875, and 876.

ER9063

Enrollment and Review Change to LB 875

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7139:

a. On page 22, line 10, "10 to 16" has been struck and "13 to 19" inserted; and

b. On page 29, line 8, "15" has been struck and "18" inserted; in line 11 "20" has been struck and "23" inserted; in line 13 "and 18" has been struck and "17, 18, 19, and 21" inserted; in line 16 "44-3522, 44-3523," has been inserted after the first comma; and in line 18 "section 44-3,157" has been struck and "sections 44-3,157 and 44-3521" inserted.

2. On page 1, line 2, "44-3522, 44-3523," has been inserted before "44-4902"; in line 4 "section 44-3,157" has been struck and "sections 44-3,157 and 44-3521" inserted; and in line 6 "motor vehicle service contracts," has been inserted before "the".

ER9062

Enrollment and Review Change to LB 876

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7150:

a. On page 10, line 27, "11" has been struck and "18" inserted;

b. On page 11, line 1, "12" has been struck and "19" inserted;

c. On page 18, line 18, "25" has been struck and "32" inserted;

d. On page 39, line 27, the matter beginning with "7" through the last comma has been struck and "2, 3, 4, 5, 6, 7, 8, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 38" inserted; and

e. On page 40, line 1, the matter beginning with "17" through "31" has been struck; and in line 26 "to adopt the Financial Data Protection and

Consumer Notification of Data Security Breach Act of 2006;" has been inserted after the semicolon.

(Signed) Michael J. Flood, Chairperson

AMENDMENTS - Print in Journal

Senator Schrock filed the following amendment to LB 776:
AM2245

(Amendments to Standing Committee amendments, AM1951)

1. Insert the following sections:

Section 1. Section 13-2034, Reissue Revised Statutes of Nebraska, is amended to read:

13-2034 The council shall adopt and promulgate rules and regulations which shall include the following:

(1) A permit program for facilities providing for permits to be issued to owners and operators and procedures for the issuance, renewal, suspension, denial, revocation, modification, and major modification, as defined by the council, of permits;

(2) Requirements for the collection, source separation, storage, transportation, transfer, processing, recycling, resource recovery, treatment, and disposal of solid wastes as well as developmental and operational plans for facilities. Regulations concerning operations may include waste characterization, composition, and source identification, site improvements, air and methane gas monitoring, ground water and surface water monitoring, daily cover, insect and rodent control, salvage operations, waste tire disposal, safety and restricted access, inspection of loads and any other necessary inspection or verification requirements, reporting of monitoring analysis, record-keeping requirements and other reporting requirements, handling and disposal of wastes with special characteristics, and any other operational criteria, location criteria, or design criteria necessary to minimize environmental and health risks and to provide protection of the air, land, and waters of the state; and

(3) Requirements for closure, postclosure care and monitoring, and investigative and corrective action with respect to landfills. Such rules and regulations shall require financial assurance for such activities after April 9, 1996. Such rules and regulations shall impose any necessary requirements upon owners or operators in order to assure proper closure, care, monitoring, and investigative and corrective action with respect to landfills to minimize the need for future maintenance and eliminate, to the extent necessary to protect humans, animals, and the environment, releases or the threat of releases of contaminants or leachate.

Sec. 2. Section 13-2036, Reissue Revised Statutes of Nebraska, is amended to read:

13-2036 (1) ~~The department shall review applications for permits for facilities and provide for the issuance, modification,~~

~~suspension, denial, or revocation of permits after public notice.~~ Applications for permits for facilities shall be on forms provided by the department which solicit information necessary to make a determination on the application. The department shall issue public notice of its intent to grant or deny an application for a permit within sixty days after receipt of an application containing all required information. If an application is granted and the permit is issued, ~~or modified,~~ any aggrieved person may file a petition for a contested case with the department within thirty days after the granting ~~or modification~~ of the permit, but such petition shall not act as a stay of the permit. If an application is denied, the department shall provide written rationale therefor to the applicant. Any change~~, modification, or other deviation~~ from the terms or conditions of an approved permit must be approved by the director prior to implementation.

(2) The department shall condition the issuance of permits on terms necessary to protect the public health and welfare and the environment as well as compliance with all applicable regulations. Any applicant may apply to the department for a variance from rules and regulations. The director may grant such variance if he or she finds that the public health and welfare will not be endangered or that compliance with the rules or regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public. The considerations, procedures, conditions, and limitations set forth in section 81-1513 shall apply to any variance granted pursuant to this section.

(3) The director shall require the owner or operator of a facility to undertake investigation and corrective action in the event of contamination or a threat of contamination caused by the facility. Financial assurance for investigative or corrective action may be required in an amount determined by the director following public notice and opportunity for a hearing.

(4) In addition to the information required by this section, the following specific areas shall be addressed in detail in any application filed in conjunction with the issuance, renewal, or reissuance of a permit for a facility:

(a) A closure and postclosure plan detailing the schedule for and the methods by which the operator will meet the conditions for proper closure and postclosure of the facility as defined by the council. The plan shall include, but not be limited to, the proposed frequency and types of actions to be implemented prior to and following closure of an operation, the proposed postclosure actions to be taken to return the area to a condition suitable for other uses, and an estimate of the costs of closure and postclosure and the proposed method of meeting the costs;

(b) A plan for the control and treatment of leachate, including financial considerations proposed in meeting the costs of such control and treatment; and

(c) An emergency response and remedial action plan, including provisions to minimize the possibility of fire, explosion, or any release to air, land, or water of pollutants that could threaten human health and the environment and the identification of possible occurrences that may endanger human health and environment.

If such application is modified after approval by the department, the application shall be resubmitted as a new proposal.

Sec. 4. Sections 1, 2, and 5 of this act become operative three calendar months after adjournment of this legislative session. Sections 3, 4, 6, and 7 of this act become operative on their effective date.

Sec. 5. Original sections 13-2034 and 13-2036, Reissue Revised Statutes of Nebraska, are repealed.

2. Renumber the remaining sections accordingly.

Senator Langemeier filed the following amendment to LB 778:
AM2256

(Amendments to E & R amendments, AM7155)

1. Insert the following new sections:

Sec. 10. Section 76-1908, Reissue Revised Statutes of Nebraska, is amended to read:

76-1908 If after trial as an action in equity the court finds: (1) That the petition provided for in section 76-1906 is filed in good faith and not for delay; (2) that the statements contained in the petition are true; and (3) that the requested redemption will not unreasonably affect the ~~fair~~ market value of the protected real estate exclusive of the redemptive homestead, then the court shall confirm the redemption.

Sec. 11. Section 76-1909, Reissue Revised Statutes of Nebraska, is amended to read:

76-1909 (1) Except as provided in subsection (2) of this section, an order confirming a requested homestead redemption shall direct the petitioner to pay into the court not later than ten days from the entry of such order a cash amount equal to the current ~~fair~~ market value of the redemptive homestead as found and determined by the court in its confirmation order. If the petitioner fails to make such payment, the court shall, upon its own motion or the motion of any party to the action, vacate the confirmation order, and all of the protected real estate shall then be subject to sale as provided by law, free of any redemptive or other right of the petitioner otherwise existing under the Farm Homestead Protection Act. The filing of a petition requesting redemption on the basis of the payment of a cash amount equal to the current ~~fair~~ market value of the redemptive homestead shall not constitute a waiver of any stay in effect or available to the petitioner under section 25-1506.

(2) Redemption based upon the petitioner's equity in the protected real estate shall be permitted when requested in the

prayer of the petition and when the court specifically finds and determines in its confirmation order that the sum of all liens upon the protected real estate is equal to eighty-five percent or less of the current ~~fair~~ market value of that portion of the protected real estate exclusive of the redemptive homestead. If the court finds that the petitioner has sufficient equity as required by this subsection, the payment otherwise required by subsection (1) of this section shall be waived by the court in its order confirming the redemption. The filing of a petition requesting redemption on the basis of the petitioner's equity in the protected real estate as provided in this subsection shall constitute a waiver of any stay in effect or available to the petitioner under section 25-1506.

Sec. 12. Section 76-1910, Reissue Revised Statutes of Nebraska, is amended to read:

76-1910 (1) The filing of a petition as provided in section 76-1906 shall not delay or preclude the holder of a mortgage, trust deed, or judgment lien, referred to in such section, from causing a sale as otherwise permitted by law of that portion of the protected real estate exclusive of the redemptive homestead described in the petition.

(2) Upon (a) payment of the ~~fair~~ market value of the redemptive homestead as provided in subsection (1) of section 76-1909 or (b) confirmation of a requested redemption on the basis of the petitioner's equity in the protected real estate pursuant to subsection (2) of section 76-1909, the petitioner shall be entitled to retain his or her interest in the redemptive homestead free of the lien of the mortgage or trust deed or the judgment lien, against which the petition for redemption was filed, and free of any other lien held therein by any party to the action.

Sec. 17. Section 76-2205, Reissue Revised Statutes of Nebraska, is amended to read:

76-2205 Appraisal Foundation ~~shall mean~~ means the Appraisal Foundation that was incorporated as an Illinois not-for-profit corporation on November 30, 1987.

Sec. 22. Section 76-2209, Reissue Revised Statutes of Nebraska, is amended to read:

76-2209 Broker's price opinion ~~shall mean~~ means an analysis, opinion, or conclusion prepared by a person licensed under the Nebraska Real Estate License Act in the ordinary course of his or her business relating to the price of specified interests in or aspects of identified real estate or identified real property for the purpose of listing, purchase, or sale.

Sec. 26. Section 76-2211, Reissue Revised Statutes of Nebraska, is amended to read:

76-2211 Comparative market analysis ~~shall mean~~ means an analysis, opinion, or conclusion prepared by a person licensed under the Nebraska Real Estate License Act in the ordinary course of his or her business relating to the price of specified interests

in or aspects of identified real estate or identified real property by comparison to other real property currently or recently in the marketplace for the purpose of listing, purchase, or sale.

Sec. 28. Section 76-2211.02, Reissue Revised Statutes of Nebraska, is amended to read:

76-2211.02 Credential ~~shall mean~~ means a registration, license, or certificate.

Sec. 31. Section 76-2214, Reissue Revised Statutes of Nebraska, is amended to read:

76-2214 Real estate ~~shall mean~~ means a parcel or tract of land, including improvements, if any.

Sec. 34. Section 76-2217, Reissue Revised Statutes of Nebraska, is amended to read:

76-2217 Real property ~~shall mean~~ means one or more defined interests, benefits, or rights inherent in the ownership of real estate.

Sec. 36. Trainee real property appraiser means a person who, under the direct supervision of a certified residential or certified general real property appraiser, assists the appraiser in any phase of appraisal activity but does not include nonprofessional employees such as clerical employees.

Sec. 39. Section 76-2219, Reissue Revised Statutes of Nebraska, is amended to read:

76-2219 Valuation assignment ~~shall mean~~ means an appraisal that estimates the value of identified real estate or identified real property at a particular point in time.

Sec. 47. Section 76-2227, Reissue Revised Statutes of Nebraska, is amended to read:

76-2227 (1) Applications for credentials, including authorization to take the appropriate examination, and for renewal of credentials shall be made in writing to the board on forms approved by the board. The payment of the appropriate fee fixed by the board pursuant to section 76-2241 shall accompany all applications.

(2) At the time of filing an initial or renewal application for credentials, the applicant shall sign a pledge that he or she has read and will comply with the ~~standards of professional appraisal practice and the ethical rules established under section 76-2237~~ National Uniform Standards of Professional Appraisal Practice. Each applicant shall also certify that he or she understands the types of misconduct for which disciplinary proceedings may be initiated.

(3) Credentials shall be issued only to persons who have a good reputation for honesty, trustworthiness, integrity, and competence to perform assignments in such manner as to safeguard the interest of the public and only after satisfactory proof of such qualification has been presented to the board upon request.

(4) No credential shall be issued to a corporation, partnership, limited liability company, firm, or group.

2. On page 5, line 6, strike "fair" and show as stricken; in line 9 strike "credentialed" and strike "who is" through "Appraisers" in line 15, show the old matter as stricken, and insert "credentialed by the Real Property Appraiser Board".

3. On page 11, line 13, strike "fair" and show as stricken.

4. On page 15, line 10, strike the first "estimate", show as stricken, and insert "opinion of value" and strike the second "estimate", show as stricken, and insert "opinion"; in line 18 strike "16" and insert "36"; in line 19 strike "37" and insert "49"; and strike beginning with "(1)" in line 23 through line 27 and show the old matter as stricken.

5. On page 16, strike beginning with line 1 through "(2)" in line 7 and show the old matter as stricken; and in line 18 strike "16" and insert "36".

6. On page 17, line 3, after "services" insert "performed by an individual acting as an appraiser," and after "including" insert ", but not limited to,"; in line 4 strike beginning with "performed" through the period, show as stricken, and insert an underscored period; in line 15 reinstate the stricken "76-2207 Appraiser trainee", insert "means" after the reinstated matter, and strike the new matter; in line 16 strike the new matter; and in line 17 reinstate the stricken matter.

7. On page 18, line 20, after "party" insert "rendered as part of an appraisal practice".

8. On page 19, line 4, strike "a value estimate", show as stricken, and insert "an opinion of value".

9. On page 20, line 27, strike "76-2218.01", show as stricken, and insert "National".

10. On page 21, line 3, strike "2005" and insert "2006"; and strike beginning with "The" in line 3 through line 6 and show the old matter as stricken.

11. On page 23, line 1, reinstate the stricken "(4)", after the stricken "An" insert "Until January 1, 2008, an" and reinstate the stricken "appraiser trainee"; in lines 2, 12, and 23 reinstate the stricken matter and strike the new matter.

12. On page 24, line 2, reinstate the stricken matter and strike the new matter.

13. On page 27, strike beginning with "standards" in line 9 through "76-2237" and show as stricken and insert "National Uniform Standards of Professional Appraisal Practice"; and in line 14 strike "or is about to occur", show as stricken, and insert an underscored semicolon.

14. On page 32, line 6, strike "(i)"; and strike beginning with "and" in line 7 through "76-2227" in line 9.

15. On page 35, line 10; page 37, line 26; page 44, line 13; and page 51, line 7, strike "the English language, including" and show as stricken.

16. On page 36, line 7, strike "(i)" and show as

stricken; and strike beginning with "and" in line 8 through line 10, show as stricken, and insert an underscored period.

17. On page 38, line 23, strike "(i)" and show as stricken; and strike beginning with "and" in line 24 through line 26, show as stricken, and insert an underscored period.

18. On page 40, line 13; page 47, line 10; and page 54, line 4, strike "the English language, including".

19. On page 41, line 8, strike "(i)"; and strike beginning with "and" in line 9 through "76-2227" in line 11.

20. On page 45, line 9, strike "(i)" and show as stricken; and strike beginning with "and" in line 10 through line 12, show as stricken, and insert an underscored period.

21. On page 48, line 5, strike "(i)"; and strike beginning with "and" in line 6 through "76-2227" in line 8.

22. On page 52, line 3, strike "(i)" and show as stricken; and strike beginning with "and" in line 4 through line 6, show as stricken, and insert an underscored period.

23. On page 54, line 26, strike "(i)"; and in line 27 strike "and (ii) upon" and insert an underscored period.

24. On page 55, strike lines 1 and 2.

25. On page 66, line 11, reinstate the stricken "one hundred fifty" and strike "two hundred".

26. On page 70, line 4, reinstate the stricken "court" and strike the new matter.

27. On page 77, strike lines 2 through 6 and insert "72-257, 76-706, 76-1907, 76-1908, 76-1909, 76-1910, 76-2201, 76-2202, 76-2203, 76-2204, 76-2205, 76-2205.01, 76-2206, 76-2207, 76-2208, 76-2209, 76-2210, 76-2210.01, 76-2210.02, 76-2211, 76-2211.01, 76-2211.02, 76-2212, 76-2213, 76-2214, 76-2215, 76-2216, 76-2217, 76-2217.01, 76-2218, 76-2218.01, 76-2219, 76-2220, 76-2222, 76-2223, 76-2224, 76-2225, 76-2226, 76-2227, 76-2228, 76-2229, 76-2229.01, 76-2230,".

28. Renumber the remaining sections and correct internal references accordingly.

MOTIONS - Approve Appointments

Senator Cunningham moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 604:

Commission of Industrial Relations
William Blake
G. Pete Burger

Voting in the affirmative, 30:

Aguilar	Erdman	Hudkins	Kruse	Schimek
Bourne	Fischer	Janssen	Langemeier	Schrock
Byars	Flood	Jensen	Louden	Stuhr
Combs	Foley	Johnson	McDonald	Stuthman
Cunningham	Friend	Kopplin	Mines	Synowiecki
Engel	Howard	Kremer	Preister	Thompson

Voting in the negative, 0.

Present and not voting, 15:

Baker	Brown	Connealy	Pahls	Raikes
Beutler	Burling	Cornett	Pedersen, Dw.	Smith
Brashear	Chambers	Cudaback	Pederson, D.	Wehrbein

Excused and not voting, 4:

Heidemann	Landis	Price	Redfield

The appointments were confirmed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Schrock moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 605:

Environmental Quality Council
Rod Gangwish

Voting in the affirmative, 34:

Aguilar	Cunningham	Hudkins	Louden	Schrock
Bourne	Engel	Janssen	McDonald	Smith
Brashear	Erdman	Jensen	Mines	Stuhr
Brown	Fischer	Johnson	Pahls	Stuthman
Byars	Foley	Kopplin	Pederson, D.	Thompson
Chambers	Friend	Kremer	Preister	Wehrbein
Combs	Howard	Kruse	Raikes	

Voting in the negative, 0.

Present and not voting, 11:

Baker	Connealy	Flood	Schimek
Beutler	Cornett	Langemeier	Synowiecki
Burling	Cudaback	Pedersen, Dw.	

Excused and not voting, 4:

Heidemann	Landis	Price	Redfield

The appointment was confirmed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

ANNOUNCEMENT

The Government, Military and Veterans Affairs Committee designates LB 940 as its priority bill.

STANDING COMMITTEE REPORTS
Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Thomas Sonntag - Oil and Gas Conservation Commission

VOTE: Aye: Senators Hudkins, Kopplin, Kremer, Louden, McDonald, Schrock, Smith, Stuhr. Nay: None. Absent: None.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Michael Bair - Environmental Quality Council
Robert Hall - Environmental Quality Council
Alden Zuhlke - Environmental Quality Council

VOTE: Aye: Senators Hudkins, Kopplin, Kremer, Louden, McDonald, Schrock, Smith, Stuhr. Nay: None. Absent: None.

LEGISLATIVE BILL 822. Placed on General File.

LEGISLATIVE BILL 1099. Placed on General File as amended.
Standing Committee amendment to LB 1099:
AM2243

1. Strike section 1.
2. On page 2, line 20, strike "sections 46-285 and" and insert "section"; and in line 21 strike "are" and insert "is".
3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1147. Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

GENERAL FILE

LEGISLATIVE BILL 173. The Standing Committee amendment, AM2018, found on page 532 and considered on page 605, was renewed.

Senator Landis asked unanimous consent to withdraw his pending amendment, FA434, found on page 607, and replace it with his substitute amendment, AM2267, to the Standing Committee amendment. No objections. So ordered.

AM2267

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 69-1301, Reissue Revised Statutes of Nebraska, is amended to read:

69-1301 As used in the Uniform Disposition of Unclaimed Property Act unless the context otherwise requires:

(a) Banking organization means any bank, trust company, savings bank, industrial bank, land bank, or safe deposit company.

(b) Business association means any corporation, ~~(other than a public corporation),~~ joint-stock company, business trust, partnership, limited liability company, or association for business purposes of two or more individuals, but does not include a public corporation.

(c) Financial organization means any savings and loan association, building and loan association, credit union, cooperative bank, or investment company, ~~engaged in~~ doing business in this state.

(d) General use prepaid card means a plastic card or other electronic payment device usable with multiple, unaffiliated sellers of goods or services.

~~(d)~~ (e) Holder means any person in possession of property subject to the act belonging to another, or who is trustee in case of a trust, or is indebted to another on an obligation subject to the act.

~~(e)~~ (f) Life insurance corporation means any association or corporation transacting within this state the business of insurance on the lives of persons or insurance appertaining thereto, including, but not ~~by way of limitation~~ limited to, endowments and annuities.

~~(f)~~ (g) Owner means a depositor in case of a deposit, a beneficiary in case of a trust, a creditor, claimant, or payee in case of other choses in action, or any person having a legal or equitable interest in property subject to the act, or his or her legal representative.

~~(g)~~ (h) Person means any individual, business association, governmental or political subdivision, public corporation, public authority, estate, trust, two or more persons having a joint or common interest, or any other legal or commercial entity.

~~(h)~~ (i) Utility means any person who owns or operates within this state, for public use, any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.

Sec. 2. Section 69-1305.02, Reissue Revised Statutes of Nebraska, is amended to read:

69-1305.02 ~~(a) A gift certificate or a credit memo that remains unredeemed for more than three years after issuance is presumed abandoned.~~ (a) Any gift certificate, gift card, or credit memo which has a face value of less than one hundred dollars and is not assessed any fees and does not have an expiration date shall not be presumed to be abandoned.

(b) Any gift certificate, gift card, or credit memo which has a face value of one hundred dollars or more which is unredeemed for a period of three years from the date of issuance shall be presumed abandoned.

(c) Any gift certificate, gift card, or credit memo which contains an expiration date or requires any type of post-sale finance charge or fee which is unredeemed for a period of three years from the date of issuance shall be presumed abandoned.

(d) Any gift certificate, gift card, or credit memo issued prior to the effective date of this act, with a face value of less than one hundred dollars and which contains an expiration date or requires any type of post-sale finance charge or fee, which is unredeemed for a period of three years from the date of issuance, shall not be presumed abandoned if the issuer policy and practice is to waive all post-sale charges or fees and to honor such gift certificate, gift card, or credit memo, at no additional cost to the holder, whenever presented at full face value or the value remaining after any applicable purchases, expiration date notwithstanding. A written notice of such policy and practice shall be posted conspicuously, in not smaller than ten point type, at each site in all Nebraska locations at which the issuer distributes or redeems a gift certificate, gift card, or credit memo.

~~(b)~~ (e) In the case of a gift certificate or gift card, the amount presumed abandoned is the face amount of the certificate or card itself, less the total amount of any applicable purchases and fees. In the case of a credit memo, the amount presumed abandoned is the amount credited, as shown on the memo itself.

(f) Any gift certificate, gift card, or credit memo subject to a fee shall contain a statement clearly and conspicuously printed on it stating whether there is a fee, the amount of the fee, how often the fee will occur, that the fee is triggered by inactivity of the gift certificate, gift card, or credit memo, and at what point the fee will be assessed. The statement may appear on the front or back of the gift certificate, gift card, or credit memo in a location where it is visible to a purchaser prior to the purchase.

(g) Any gift certificate, gift card, or credit memo subject to an expiration date shall contain a statement clearly and conspicuously printed on the gift certificate, gift card, or credit memo stating the expiration date. The statement may appear on the front or back of the gift certificate, gift card, or credit memo in a location where it is visible to a purchaser prior to the purchase.

(h) This section does not apply to a general use prepaid card.

Sec. 3. Section 69-1308, Reissue Revised Statutes of Nebraska, is amended to read:

69-1308 ~~All~~ (a) Except as provided in subsection (b) of this section, all intangible personal property, not otherwise covered by the Uniform Disposition of Unclaimed Property Act, including any income or increment thereon ~~and~~ after deducting any lawful charges, that is held or owing in this state in the ordinary course of the holder's business and has remained unclaimed by the owner for more than five years after it became payable or distributable, is presumed abandoned.

(b) The unredeemed value of a general use prepaid card, including any income or increment thereon after deducting any lawful charges, that is held or owing in this state in the ordinary course of the holder's business and has remained unclaimed by the owner for more than five years after the last transaction initiated by the card owner is presumed abandoned.

Sec. 4. Original sections 69-1301, 69-1305.02, and 69-1308, Reissue Revised Statutes of Nebraska, are repealed.

The Landis amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

SENATOR CUDABACK PRESIDING

Advanced to E & R for review with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 872. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 478. Senator Cornett renewed her pending amendment, AM1810, found on page 142.

Pending.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 996A. Placed on Select File.

(Signed) Michael Flood, Chairperson

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Lucinda Glen - State Personnel Board

VOTE: Aye: Senators Brown, Burling, Fischer, Langemeier, Mines, Pahls, Schimek, Wehrbein. Nay: None. Absent: None.

LEGISLATIVE BILL 1067. Placed on General File.

(Signed) DiAnna R. Schimek, Chairperson

Revenue

LEGISLATIVE BILL 808. Placed on General File as amended.
(Standing Committee amendment, AM2210, is printed separately and available in the Bill Room, Room 1104.)

(Signed) David Landis, Chairperson

Health and Human Services

LEGISLATIVE BILL 854. Placed on General File as amended.
Standing Committee amendment to LB 854:
AM2154

1. Strike the original sections and insert the following new sections:

Section 1. The Long-Term Care Partnership Program is established. The program shall be administered by the Department of Health and Human Services Finance and Support in accordance with federal requirements on state long-term care partnership programs. In order to implement the program, the department shall file a State plan amendment with the federal Centers for Medicare and Medicaid Services pursuant to the requirements set forth in 42 U.S.C. 1396p(b), as such section existed on March 1, 2006.

Sec. 2. The following sections are outright repealed:
Sections 68-1095, 68-1096, 68-1097, 68-1098, and 68-1099, Revised Statutes Supplement, 2005.

LEGISLATIVE BILL 1178. Placed on General File as amended.
Standing Committee amendment to LB 1178:
AM2225
1. On page 2, line 13, after "shall" insert "annually".

LEGISLATIVE BILL 1179. Placed on General File as amended.
Standing Committee amendment to LB 1179:
AM2242
1. On page 3, line 18, after the comma insert "including, but not limited to, the development, implementation, provision, and funding of organized peer support services,"; and in line 19 after the comma insert "including, but not limited to, their inclusion and involvement in all aspects of services design, planning, implementation, provision, education, evaluation, and research,".
2. On page 5, line 25, after "division" insert ", including the development of a written plan, updated annually, for the involvement of consumers and their families in all aspects of services design, planning, implementation, provision, education, evaluation, and research".
3. On page 6, line 7, after "services" insert ", including, but not limited to, organized peer support services,".
4. On page 7, line 13, strike "Encourage", show as stricken, and insert "Coordinate, encourage,".

(Signed) Jim Jensen, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 837. Placed on General File as amended.
Standing Committee amendment to LB 837:
AM2240
1. Strike original sections 5 and 6 and insert the following new sections:
Sec. 2. Section 60-3,122, Revised Statutes Supplement, 2005, is amended to read:
60-3,122 (1) Any resident of this state may, in addition to the application required by section 60-385, make application to the department for a set of license plates designed by the department to indicate that he or she is a survivor of the Japanese attack on Pearl Harbor if he or she:
(a) Was a member of the United States Armed Forces on December 7, 1941;
(b) Was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or offshore at a distance not to exceed three miles;

(c) Was discharged or otherwise separated with a characterization of honorable from the United States Armed Forces; and

(d) Holds a current membership in a Nebraska Chapter of the Pearl Harbor Survivors Association.

(2) The license plates shall be issued upon the applicant paying the regular license fee and an additional fee of five dollars and furnishing proof satisfactory to the department that the applicant fulfills the requirements provided by subsection (1) of this section. The additional fee shall be remitted to the State Treasurer for credit to the ~~Highway Trust~~ Nebraska Veteran Cemetery System Endowment Fund. ~~Only one motor vehicle or trailer owned by the applicant shall be so licensed at any one time.~~

(3) If the license plates issued pursuant to this section are lost, stolen, or mutilated, the recipient of the license plates shall be issued replacement license plates upon request and without charge.

Sec. 3. Section 60-3,123, Revised Statutes Supplement, 2005, is amended to read:

60-3,123 (1) Any resident of this state who was captured and incarcerated by an enemy of the United States during a period of conflict with such enemy and who was discharged or otherwise separated with a characterization of honorable from or is currently serving in the United States Armed Forces may, in addition to the application required in section 60-385, make application to the department for a set of license plates designed to indicate that he or she is a former prisoner of war. The license plates shall be issued upon the applicant paying the regular license fee and an additional fee of five dollars and furnishing proof satisfactory to the department that the applicant was formerly a prisoner of war. The additional fee shall be remitted to the State Treasurer for credit to the ~~Highway Trust~~ Nebraska Veteran Cemetery System Endowment Fund. ~~Only one motor vehicle or trailer owned by an applicant shall be so licensed at any one time.~~

(2) If the license plates issued under this section are lost, stolen, or mutilated, the recipient of the license plates shall be issued replacement license plates upon request and without charge.

Sec. 4. Section 60-3,124, Revised Statutes Supplement, 2005, is amended to read:

60-3,124 (1) Any resident of this state who is a veteran of the United States Armed Forces, who was discharged or otherwise separated with a characterization of honorable or general (under honorable conditions), and who is classified by the United States Department of Veterans Affairs as one hundred percent service-connected disabled may, in addition to the application required in section 60-385, apply to the Department of Motor Vehicles for a set of license plates designed by the department to indicate that the applicant for the plates is a disabled veteran.

The inscription on the license plates shall be D.A.V. immediately below the license plate number to indicate that the holder of the license plates is a disabled veteran. The plates shall be issued upon the applicant paying the regular license fee and an additional fee of five dollars and furnishing proof satisfactory to the department that the applicant is a disabled veteran. The additional fee shall be remitted to the State Treasurer for credit to the ~~Highway Trust~~ Nebraska Veteran Cemetery System Endowment Fund. ~~Only one motor vehicle or trailer owned by the applicant shall be so licensed at any one time.~~

(2) If the license plates issued under this section are lost, stolen, or mutilated, the recipient of the plates shall be issued replacement license plates as provided in section 60-3,157.

Sec. 7. Original sections 39-2215, 60-3,122, 60-3,123, 60-3,124, 60-3,125, and 60-3,141, Revised Statutes Supplement, 2005, are repealed.

2. On page 2, line 13; and page 7, line 2, strike "60-3,125" and insert "60-3,122, 60-3,123, 60-3,124, 60-3,125,".

3. On page 6, strike beginning with "Only" in line 3 through line 5 and show as stricken.

4. Renumber the remaining sections accordingly.

(Signed) Tom Baker, Chairperson

AMENDMENTS - Print in Journal

Senator Schrock filed the following amendment to LB 508:
(Amendment, AM2244, is printed separately and available in the Bill Room, Room 1104.)

Senator Burling filed the following amendment to LB 818:
AM2258

(Amendments to AM2174)

1. On page 1, strike beginning with "A" in line 1 through line 4 and insert the following new paragraph:

"A race sponsor using tires as safety barriers pursuant to subdivision (3)(c)(ii) of this section prior to October 1, 2006, shall file an approved tire disposal plan with the department on or before January 1, 2007. A race sponsor using tires as safety barriers on or after October 1, 2006, shall file an approved tire disposal plan with the department prior to the sponsor's first such use of tires. An approved tire disposal plan shall provide for the disposal of tires which cease to be needed as safety barriers in accordance with subsection (3) of section 13-2033, and any such race sponsor who ceases to use tires as safety barriers or whose facility ceases operation shall dispose of such tires in accordance with his or her approved tire disposal plan. Any modification to an approved tire disposal plan shall be submitted to and approved

by the department prior to implementation of such modified plan. An approved tire disposal plan".

Senator Bourne filed the following amendment to LB 248:
AM2110

(Amendments to E & R amendments, AM7153)

1. Strike sections 1 and 2.
2. On page 7, strike beginning with "sections" in line 24 through "and" in line 25; and in line 26 strike "are" and insert "is".
3. Renumber the remaining sections accordingly.

Senator Beutler filed the following amendment to LB 188:
(Amendment, AM2270, is printed separately and available in the Bill Room, Room 1104.)

Senators Friend and Bourne filed the following amendment to LB 1249:
AM2229

(Amendments to Standing Committee amendments, AM2127)

1. On page 1, strike beginning with "strike" in line 10 through the second "in" in line 11; and in line 11 after "19" insert a comma.

Senator Friend filed the following amendment to LB 1249:
AM2215

1. On page 7, line 12, after the period insert "In no event shall the commission establish an exclusive service area for a jurisdictional utility within the corporate limits of a municipality in which the jurisdictional utility does not have a franchise. If the commission establishes an exclusive service area for a jurisdictional utility within the corporate limits of a municipality which has a franchise, and the franchise is subsequently revoked or not renewed, such exclusive service area shall be rescinded by the commission.".

Senator Friend filed the following amendment to LB 1249:
AM2219

1. On page 15, line 24, after "boundaries" insert "and extraterritorial jurisdiction boundaries".
2. On page 16, line 8, after "area" insert "or other areas within the corporate boundaries and extraterritorial jurisdiction".

Senator Bourne filed the following amendment to LB 1249:
AM2231

1. Insert the following new section:

Sec. 4. Section 66-1848, Reissue Revised Statutes of Nebraska, is amended to read:

66-1848 For purposes of this section and section 66-1849:

(1) Aggregator means a person who combines retail end users into a group and arranges for the acquisition of competitive natural gas services without taking title to those services; and

(2)(a) Competitive natural gas provider means a person who takes title to natural gas and sells it for consumption by a retail end user. Competitive natural gas provider includes an affiliate of a natural gas public utility, a metropolitan utilities district, a city of the primary, first, or second class, and a village.

(b) Competitive natural gas provider does not include the following:

(i) A jurisdictional utility;

(ii) A city-owned or operated natural gas utility or metropolitan utilities district in areas in which it provides natural gas service through pipes it owns; or

(iii) A natural gas public utility that is not subject to the act as provided in section 66-1803 in areas in which it is providing natural gas service in accordance with section 66-1803.

2. Correct internal references and the repealer and renumber the remaining sections accordingly.

Senator Bourne filed the following amendment to LB 1249:
AM2218

1. On page 15, line 4, strike "the", show as stricken, and insert "a"; and in line 5 after "district" insert "or jurisdictional utility".

Senator Bourne filed the following amendment to LB 1249:
AM2216

1. Insert the following new section:

Sec. 19. (1) In order to provide the citizens of the state with adequate natural gas service at as low an overall cost as possible, consistent with sound business practices, and in exchange for natural gas franchises, it is the policy of the state that a city has a right of first refusal with respect to any natural gas system that serves the city. It is also the policy of the state to encourage publicly owned or operated natural gas utilities in order to provide natural gas to consumers at reasonable rates at as low an overall cost as possible.

(2) For purposes of this section:

(a) City means any city or village;

(b) Jurisdictional utility has the same meaning as in section 66-1802;

(c) Offer to acquire, purchase, or lease does not include any foreclosure, tax sale, condemnation proceeding, or exchange of customers; and

(d) Right of first refusal means the absolute right to have the first opportunity to acquire, purchase, or lease real property upon the same terms and conditions as set forth in a

proposed offer to acquire, purchase, or lease from another party.

(3) If a jurisdictional utility that provides natural gas service within a city or a city's extraterritorial zoning jurisdiction decides to dispose of, sell, or lease its natural gas system, or any part thereof, and receives a written offer to acquire, purchase, or lease the system, or part thereof, the city shall have the right of first refusal. The jurisdictional utility shall mail to the city by certified mail written notice of its intent to accept the offer and a copy of the offer. The city shall have sixty days after the delivery of such notice and copy of the offer to match the offer, except that if the city needs additional information from the jurisdictional utility, the city shall have sixty days after receipt of such additional information to match the offer. If the city offers to acquire, purchase, or lease the system, or portion thereof, on the same terms and conditions set forth in the proposed offer from the other party, the jurisdictional utility shall accept the city's offer and reject the other party's offer.

(4) The city may assign the right of first refusal.

2. Correct internal references and renumber the remaining sections accordingly.

Senator Bourne filed the following amendment to LB 1249:
(Amendment, AM2217, is printed separately and available in the Bill Room, Room 1104.)

Senator Baker filed the following amendment to LB 248:
AM2200

(Amendments to E & R amendments, AM7153)

1. Insert the following new sections:

Section 1. Section 13-518, Revised Statutes Supplement, 2005, is amended to read:

13-518 For purposes of sections 13-518 to 13-522:

(1) Allowable growth means (a) for governmental units other than community colleges, the percentage increase in taxable valuation in excess of the base limitation established under section 77-3446, if any, due to improvements to real property as a result of new construction, additions to existing buildings, any improvements to real property which increase the value of such property, and any increase in valuation due to annexation and any personal property valuation over the prior year and (b) for community colleges, (i) for fiscal years prior to fiscal year 2003-04 and after fiscal year 2004-05, the percentage increase in excess of the base limitation, if any, in full-time equivalent students from the second year to the first year preceding the year for which the budget is being determined, and (ii) for fiscal year 2003-04 and fiscal year 2004-05, the percentage increase in full-time equivalent students from the second year to the first year preceding the year for which the budget is being determined;

(2) Capital improvements means (a) acquisition of real property or (b) acquisition, construction, or extension of any improvements on real property;

(3) Governing body has the same meaning as in section 13-503;

(4) Governmental unit means every political subdivision which has authority to levy a property tax or authority to request levy authority under section 77-3443 except sanitary and improvement districts which have been in existence for five years or less and school districts;

(5) Qualified sinking fund means a fund or funds maintained separately from the general fund to pay for acquisition or replacement of tangible personal property with a useful life of five years or more which is to be undertaken in the future but is to be paid for in part or in total in advance using periodic payments into the fund. The term includes sinking funds under subdivision (13) of section 35-508 for firefighting and rescue equipment or apparatus;

(6) Restricted funds means (a) property tax, excluding any amounts refunded to taxpayers, (b) payments in lieu of property taxes, (c) local option sales taxes, (d) motor vehicle taxes, (e) state aid, (f) transfers of surpluses from any user fee, permit fee, or regulatory fee if the fee surplus is transferred to fund a service or function not directly related to the fee and the costs of the activity funded from the fee, (g) any funds excluded from restricted funds for the prior year because they were budgeted for capital improvements but which were not spent and are not expected to be spent for capital improvements, (h) the tax provided in sections 77-27,223 to 77-27,227 beginning in the second fiscal year in which the county will receive a full year of receipts, and (i) any excess tax collections returned to the county under section 77-1776; and

(7) State aid means:

(a) For all governmental units, state aid paid pursuant to ~~sections 60-3,202 and~~ section 77-3523;

(b) For municipalities, state aid to municipalities paid pursuant to sections 18-2605, 39-2501 to 39-2520, 60-3,190, 77-27,136, and 77-27,139.04 and insurance premium tax paid to municipalities;

(c) For counties, state aid to counties paid pursuant to sections 39-2501 to 39-2520, 47-119.01, 60-3,184 to 60-3,190, 77-27,136, and 77-3618, insurance premium tax paid to counties, and reimbursements to counties from funds appropriated pursuant to section 29-3933;

(d) For community colleges, state aid to community colleges paid under sections 85-1536 to 85-1537;

(e) For natural resources districts, state aid to natural resources districts paid pursuant to section 77-27,136;

(f) For educational service units, state aid appropriated

under section 79-1241; and

(g) For local public health departments as defined in section 71-1626, state aid as distributed under section 71-1628.08.

Sec. 2. Section 39-2401, Reissue Revised Statutes of Nebraska, is amended to read:

39-2401 There is hereby established the Highway Allocation Fund. There shall be paid into such fund (1) the amounts disbursed from time to time from the Highway Trust Fund as provided by law, (2) ~~together with~~ such sums as may be appropriated thereto from the General Fund, and (3) a portion of the registration fees under section 60-360. Any money in the Highway Allocation Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 6. Section 60-3,202, Revised Statutes Supplement, 2005, is amended to read:

60-3,202 ~~(1)~~ As registration fees are received by the Division of Motor Carrier Services of the department pursuant to section 60-3,198, the division shall remit the fees to the State Treasurer, less a collection fee of three percent of thirty percent of the registration fees collected. The collection fee shall be credited to the ~~Department of Property Assessment and Taxation~~ Motor Carrier Division Cash Fund. The State Treasurer shall credit the remainder of the thirty percent of the fees collected to the ~~Motor Vehicle Tax~~ Highway Allocation Fund and the remaining seventy percent of the fees collected to the Highway Trust Fund. Any money in the Motor Vehicle Tax Fund on the operative date of this section shall be transferred to the Highway Allocation Fund.

~~(2) On or before the last day of each quarter of the calendar year, the State Treasurer shall distribute all funds in the Motor Vehicle Tax Fund to the county treasurer or designated county official of each county in the same proportion as the number of original apportionable vehicle registrations in each county bears to the total of all original registrations within the state in the registration year immediately preceding.~~

~~(3) Upon receipt of motor vehicle tax funds from the State Treasurer, the county treasurer or designated county official shall distribute such funds to taxing agencies within the county in the same proportion that the levy of each such taxing agency bears to the total of such levies of all taxing agencies in the county.~~

~~(4) In the event any taxing district has been annexed, merged, dissolved, or in any way absorbed into another taxing district, any apportionment of motor vehicle tax funds to which such taxing district would have been entitled shall be apportioned to the successor taxing district which has assumed the functions of the annexed, merged, dissolved, or absorbed taxing district.~~

~~(5) On or before March 1 of each year, the department shall furnish to the State Treasurer a tabulation showing the total number of original apportionable vehicle registrations in each~~

~~county for the immediately preceding calendar year, which shall be the basis for computing the distribution of motor vehicle tax funds as provided in subsection (2) of this section.~~

~~(6) The Motor Vehicle Tax Fund is created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.~~

Sec. 7. Section 77-1342, Revised Statutes Supplement, 2005, is amended to read:

77-1342 There is hereby created a fund to be known as the Department of Property Assessment and Taxation Cash Fund to which shall be credited all money received by the Department of Property Assessment and Taxation for services performed for county and multicounty assessment districts, for charges for publications, manuals, and lists, as an assessor's examination fee authorized by section 77-421, and under the provisions of sections ~~60-3,202,~~ 77-684~~,~~ and 77-1250. The fund shall be used to carry out any duties and responsibilities of the department. The county or multicounty assessment district shall be billed by the department for services rendered. Reimbursements to the department shall be credited to the fund, and expenditures therefrom shall be made only when such funds are available. The department shall only bill for the actual amount expended in performing the service.

The fund shall not, at the close of each year, be lapsed to the General Fund. Any money in the Department of Property Assessment and Taxation Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 8. Section 79-1018.01, Reissue Revised Statutes of Nebraska, is amended to read:

79-1018.01 Local system formula resources include other actual receipts available for the funding of general fund operating expenditures as determined by the department for the second school fiscal year immediately preceding the school fiscal year in which aid is to be paid, except that receipts from the Community Improvements Cash Fund, receipts acquired pursuant to the Low-Level Radioactive Waste Disposal Act, and, beginning with the calculation of state aid to be distributed in school fiscal year 2004-05, tuition receipts from converted contracts shall not be included. Other actual receipts include:

(1) Public power district sales tax revenue;

(2) Fines and license fees;

(3) Tuition receipts from individuals, other districts, or any other source except those derived from adult education and except, beginning with the calculation of state aid to be distributed in school fiscal year 2004-05, tuition receipts from converted contracts;

(4) Transportation receipts;

(5) Interest on investments;

(6) Other miscellaneous noncategorical local receipts, not including receipts from private foundations, individuals, associations, or charitable organizations;

(7) Special education receipts, excluding grant funds received pursuant to section 9-812;

(8) Special education receipts and non-special education receipts from the state for wards of the court and wards of the state;

(9) All receipts from the temporary school fund. Beginning with the calculation of aid for school fiscal year 2002-03 and each school fiscal year thereafter, receipts from the temporary school fund shall only include receipts pursuant to section 79-1035 and the receipt of funds pursuant to section 79-1036 for property leased for a public purpose as set forth in subdivision (1)(a) of section 77-202;

(10) Motor vehicle tax receipts received on or after January 1, 1998;

(11) Pro rata motor vehicle license fee receipts received prior to September 1, 2005;

(12) Other miscellaneous state receipts excluding revenue from the textbook loan program authorized by section 79-734;

(13) Impact aid entitlements for the school fiscal year which have actually been received by the district to the extent allowed by federal law;

(14) All other noncategorical federal receipts;

(15) All receipts pursuant to the enrollment option program under sections 79-232 to 79-246;

(16) Receipts under the federal Medicare Catastrophic Coverage Act of 1988, as such act existed on May 8, 2001, as authorized pursuant to sections 43-2510 and 43-2511 but only to the extent of the amount the local system would have otherwise received pursuant to the Special Education Act; and

(17) Receipts for accelerated or differentiated curriculum programs pursuant to sections 79-1106 to 79-1108.03.

Sec. 11. Original sections 39-2401 and 79-1018.01, Reissue Revised Statutes of Nebraska, and sections 13-518, 60-3,202, and 77-1342, Revised Statutes Supplement, 2005, are repealed.

2. On page 7, line 23, strike "This act becomes" and insert "Sections 1, 2, 6, 7, 8, and 11 of this act become operative on September 1, 2007. The other sections of this act become".

3. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARING
Natural Resources
Room 1525

Thursday, February 23, 2006 1:30 p.m.
Marquis Reed Gilmore - Oil and Gas Conservation Commission

(Signed) Ed Schrock, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 288. Introduced by Schimek, 27; Brown, 6; Burling, 33; Fischer, 43; Langemeier, 23; Mines, 18; Pahls, 31; Wehrbein, 2.

WHEREAS, the Nebraska National Guard has played a major role in support of Operation Noble Eagle, the protection of the United States and in both Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom; and

WHEREAS, Nebraska Army National Guard missions have included security, force protection, transportation, logistic support, quick reaction force, forward area support, rear area support, medical support, aviation maintenance, aviation support, both air and ground medical evacuation, reconnaissance, surveillance, law and order and police investigation, and direct support maintenance; and

WHEREAS, Nebraska Air National Guard missions have included aerial refueling, maintenance, engineering, supply mobility support, financial management, and security; and

WHEREAS, more than three thousand members of the Nebraska National Guard have been deployed to more than twenty foreign countries during the last four years; and

WHEREAS, Staff Sergeant Jeremy J. Fischer, Sergeant First Class Tricia L. Jameson, and Master Sergeant Linda A. Tarango-Griess made the ultimate sacrifice, giving their lives for this nation; and

WHEREAS, the Bronze Star with Valor, awarded for heroic or meritorious achievement or service, has been presented to Specialist Jennifer D. Beck, Specialist Joshua H. Birkel, Specialist Richard W. DeLancey, and Specialist Michael R. Sharples; and

WHEREAS, the Purple Heart, awarded to members of the United States Armed Forces wounded or killed as a direct result of enemy actions, has been presented to Specialist Richard W. DeLancey, Specialist Justin R. Diggins, Specialist Jacob D. Graff, Specialist John D. Harris, Specialist Kelsey R. Lamb, Specialist Fenton E. Phan, Staff Sergeant Jeremy J. Preister, Sergeant Terence P. Ricketts, Sergeant Matthew J. Rouse, Sergeant Chad A. Schroetlin, and Specialist Rachelle A. Spors; and

WHEREAS, the Army Commendation Medal with Valor, awarded for heroism, meritorious achievement, or meritorious service, has been presented to Specialist Jacob D. Graff, Specialist Donald J. Harrer III, Sergeant Eric Q. Nesiba, and Specialist Nathan J. Reitz.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its thanks to and commends the aforesaid honorees for their sacrifice and service to the State of Nebraska and the United States of America.

2. That a copy of this resolution be given to all honorees.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 856A. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 856, Ninety-ninth Legislature, Second Session, 2006.

ANNOUNCEMENT

The Revenue Committee designates LB 808 as its priority bill.

UNANIMOUS CONSENT - Add Cointroducer

Senator Dw. Pedersen asked unanimous consent to add his name as cointroducer to LB 1149. No objections. So ordered.

VISITORS

Visitors to the Chamber were Sister Dominike from the Czech Republic and Senator Connealy's sister, Sister Joy Connealy; and former Senator Jerry Schmitt from Ord.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Hudkins, the Legislature adjourned until 9:00 a.m., Tuesday, February 14, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-SEVENTH DAY - FEBRUARY 14, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 14, 2006

PRAYER

The prayer was offered by Pastor Michael McDonald, Grace Bible Fellowship Church, Stella.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Brashear, Landis, Dw. Pedersen, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-sixth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 853. Placed on Select File as amended.
(E & R amendment, AM7161, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 173. Placed on Select File as amended.
E & R amendment to LB 173:
AM7162
1. On page 1, strike beginning with "section" in line 2 through line 5 and insert "sections 69-1301, 69-1305.02, and 69-1308, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions relating to gift certificates, gift cards, credit memos, and general-use prepaid cards; and to repeal the original sections.".

(Signed) Michael Flood, Chairperson

STANDING COMMITTEE REPORTS
Transportation and Telecommunications

LEGISLATIVE BILL 815. Placed on General File.

LEGISLATIVE BILL 816. Indefinitely postponed.
LEGISLATIVE BILL 1056. Indefinitely postponed.
LEGISLATIVE BILL 1057. Indefinitely postponed.
LEGISLATIVE BILL 1152. Indefinitely postponed.
LEGISLATIVE BILL 1191. Indefinitely postponed.

(Signed) Tom Baker, Chairperson

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems
Room 1525

Wednesday, March 22, 2006 12:15 p.m.
Nebraska Investment Council - Annual Report
NE Public Employees Retirement Board - Annual Report

(Signed) Elaine Stuhr, Chairperson

ANNOUNCEMENT

The Transportation and Telecommunications Committee designates LB 275 as its priority bill.

MOTIONS - Approve Appointments

Senator Schimek moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 612:
State Emergency Response Commission
Richard Christensen
Tim Hofbauer
Mark Reimers

Voting in the affirmative, 31:

Aguilar	Cudaback	Hudkins	Mines	Stuthman
Beutler	Cunningham	Janssen	Pahls	Thompson
Brown	Engel	Kopplin	Price	Wehrbein
Burling	Erdman	Kremer	Schimek	
Chambers	Fischer	Kruse	Schrock	
Combs	Flood	Langemeier	Smith	
Cornett	Howard	Louden	Stuhr	

Voting in the negative, 0.

Present and not voting, 14:

Baker	Connealy	Heidemann	McDonald	Redfield
Bourne	Foley	Jensen	Pederson, D.	Synowiecki
Byars	Friend	Johnson	Preister	

Excused and not voting, 4:

Brashear	Landis	Pedersen, Dw.	Raikes

The appointments were confirmed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Senator Schrock moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 612:

Environmental Quality Council
Mark Whitehead

Voting in the affirmative, 30:

Aguilar	Cudaback	Heidemann	Kremer	Redfield
Baker	Cunningham	Howard	Langemeier	Schrock
Bourne	Engel	Hudkins	Louden	Smith
Byars	Erdman	Janssen	Pahls	Stuhr
Chambers	Fischer	Johnson	Price	Stuthman
Cornett	Flood	Kopplin	Raikes	Thompson

Voting in the negative, 0.

Present and not voting, 16:

Beutler	Connealy	Kruse	Preister
Brown	Foley	McDonald	Schimek
Burling	Friend	Mines	Synowiecki
Combs	Jensen	Pederson, D.	Wehrbein

Excused and not voting, 3:

Brashear	Landis	Pedersen, Dw.

The appointment was confirmed with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Senator Schrock moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 612:

Nebraska Power Review Board

Michael Siedschlag

Voting in the affirmative, 35:

Aguilar	Cunningham	Howard	Landis	Schrock
Bourne	Engel	Hudkins	Langemeier	Smith
Byars	Erdman	Janssen	Louden	Stuhr
Chambers	Fischer	Jensen	McDonald	Stuthman
Connealy	Flood	Johnson	Pahls	Synowiecki
Cornett	Foley	Kopplin	Price	Thompson
Cudaback	Heidemann	Kremer	Redfield	Wehrbein

Voting in the negative, 0.

Present and not voting, 12:

Baker	Burling	Kruse	Preister
Beutler	Combs	Mines	Raikes
Brown	Friend	Pederson, D.	Schimek

Excused and not voting, 2:

Brashear Pedersen, Dw.

The appointment was confirmed with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Senator Bourne moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 617:

Board of Parole

Rosalyn R. Cotton

Miguel Gomez

Voting in the affirmative, 37:

Aguilar	Cornett	Howard	Louden	Stuhr
Beutler	Cudaback	Hudkins	McDonald	Stuthman
Bourne	Engel	Janssen	Pahls	Synowiecki
Burling	Erdman	Jensen	Pederson, D.	Thompson
Byars	Fischer	Kopplin	Preister	Wehrbein
Chambers	Flood	Kremer	Price	
Combs	Foley	Landis	Redfield	
Connealy	Heidemann	Langemeier	Smith	

Voting in the negative, 0.

Present and not voting, 10:

Baker	Cunningham	Johnson	Mines	Schimek
Brown	Friend	Kruse	Raikes	Schrock

Excused and not voting, 2:

Brashear Pedersen, Dw.

The appointments were confirmed with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1111. Advanced to E & R for engrossment.

LEGISLATIVE BILL 776. Senator Schrock renewed his pending amendment, AM2245, found on page 627.

Senator Schrock withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 818. E & R amendment, AM7157, found on page 602, was adopted.

Senator Burling renewed his pending amendment, AM2258, found on page 642.

Senator Chambers offered the following amendment to the Burling pending amendment:
FA444
Amendment to AM2258
P. 1, line 10 strike "needed" and insert "used",

The Chambers amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

The Burling amendment, as amended, was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Senators Schrock and Wehrbein offered the following amendment:
AM2299

1. Insert the following new sections:

Sec. 2. Section 81-15,160, Revised Statutes Cumulative Supplement, 2004, is amended to read:

81-15,160 (1) The Waste Reduction and Recycling Incentive Fund is created. The department shall deduct from the fund amounts sufficient to reimburse itself for its costs of administration of the fund. The fund shall be administered by the Department of Environmental Quality. The fund shall consist of proceeds from

the fees imposed pursuant to the Waste Reduction and Recycling Incentive Act.

(2) The fund may be used for purposes which include, but are not limited to:

(a) Technical and financial assistance to political subdivisions for creation of recycling systems and for modification of present recycling systems;

(b) Recycling and waste reduction projects, including public education, planning, and technical assistance;

(c) Market development for recyclable materials separated by generators, including public education, planning, and technical assistance;

(d) Capital assistance for establishing private and public intermediate processing facilities for recyclable materials and facilities using recyclable materials in new products;

(e) Programs which develop and implement composting of yard waste and composting with sewage sludge;

(f) Technical assistance for waste reduction and waste exchange for waste generators;

(g) Programs to assist communities and counties to develop and implement household hazardous waste management programs; and

(h) Capital assistance for establishing private and public facilities to manufacture combustible waste products and to incinerate combustible waste to generate and recover energy resources. ~~, except that no disbursements shall be made under this section for scrap tire processing related to tire-derived fuel.~~

The State Treasurer shall transfer two million one hundred thousand dollars from the Waste Reduction and Recycling Incentive Fund to the General Fund within five days after August 16, 2002.

(3) Grants up to one million dollars annually shall be available until June 30, ~~2007~~ 2011, for new scrap tire projects only, if acceptable scrap tire project applications are received. Eligible categories of disbursement under section 81-15,161 may include, but are not limited to:

(a) Reimbursement for the purchase of crumb rubber generated and used in Nebraska, with disbursements not to exceed fifty percent of the cost of the crumb rubber;

(b) Reimbursement for the purchase of tire-derived product which utilizes a minimum of twenty-five percent recycled tire content, with disbursements not to exceed twenty-five percent of the product's retail cost, except that persons who applied for a grant between June 1, 1999, and May 31, 2001, for the purchase of tire-derived product which utilizes a minimum of twenty-five percent recycled tire content may apply for reimbursement on or before July 1, 2002. Reimbursement shall not exceed twenty-five percent of the product's retail cost and may be funded in fiscal years 2001-02 and 2002-03;

(c) Participation in the capital costs of building, equipment, and other capital improvement needs or startup costs for scrap tire processing, including processing related to tire-derived fuel, or manufacturing of tire-derived product, with disbursements not to exceed fifty percent of such costs or five hundred thousand dollars, whichever is less. Disbursements shall not exceed twenty-five percent of such costs or two hundred fifty thousand dollars, whichever is less, if the scrap tire processing relates to tire-derived fuel;

(d) Participation in the capital costs of building, equipment, or other startup costs needed to establish collection sites or to collect and transport scrap tires, with disbursements not to exceed fifty percent of such costs;

(e) Cost-sharing for the manufacturing of tire-derived product, with disbursements not to exceed twenty dollars per ton or two hundred fifty thousand dollars, whichever is less, to any person annually;

(f) Cost-sharing for the processing of scrap tires, with disbursements not to exceed twenty dollars per ton or two hundred fifty thousand dollars, whichever is less, to any person annually;

(g) Cost-sharing for the use of scrap tires for civil engineering applications for specified projects, with disbursements not to exceed twenty dollars per ton or two hundred fifty thousand dollars, whichever is less, to any person annually; and

(h) Disbursement to a political subdivision up to one hundred percent of costs incurred in cleaning up scrap tire collection and disposal sites.

The director shall give preference to projects which utilize scrap tires generated and used in Nebraska and to educational institutions to purchase tire-derived products.

(4) Priority for grants made under section 81-15,161 shall be given to grant proposals demonstrating a formal public/private partnership except for grants awarded from fees collected under subsection (6) of section 13-2042.

(5) Grants awarded from fees collected under subsection (6) of section 13-2042 may be renewed for up to a five-year grant period. Such applications shall include an updated integrated solid waste management plan pursuant to section 13-2032. Annual disbursements are subject to available funds and the grantee meeting established grant conditions. Priority for such grants shall be given to grant proposals showing regional participation and programs which address the first integrated solid waste management hierarchy as stated in section 13-2018 which shall include toxicity reduction. Disbursements for any one year shall not exceed fifty percent of the total fees collected after rebates under subsection (6) of section 13-2042 during that year.

(6) Any person who stores waste tires in violation of section 13-2033, which storage is the subject of abatement or cleanup, shall be liable to the State of Nebraska for the

reimbursement of expenses of such abatement or cleanup paid by the Department of Environmental Quality.

(7) The Department of Environmental Quality may receive gifts, bequests, and any other contributions for deposit in the Waste Reduction and Recycling Incentive Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 4. The following section is outright repealed:

Section 81-1504.03, Revised Statutes Cumulative Supplement, 2004.

2. On page 4, line 6, strike "section 13-2039" and insert "sections 13-2039 and 81-15,160".

3. Renumber the remaining sections accordingly.

Senator Preister offered the following amendment to the Schrock-Wehrbein pending amendment:
FA443
Amendment to AM2299
On page 3, line 14 strike "two-hundred"

Pending.

ANNOUNCEMENTS

The Business and Labor Committee designates LB 1237 and LB 489 as its priority bills.

Senator Byars designates LB 1069 as his priority bill.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 872. Placed on Select File.

(Signed) Michael Flood, Chairperson

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 1211. Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

Revenue

LEGISLATIVE BILL 1189. Placed on General File.

(Signed) David Landis, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 1193. Placed on General File.

LEGISLATIVE BILL 652. Indefinitely postponed.
LEGISLATIVE BILL 686. Indefinitely postponed.

(Signed) Mick Mines, Chairperson

AMENDMENTS - Print in Journal

Senator Schrock filed the following amendment to LB 140:
AM2263

1. On page 2, strike beginning with "natural" in line 11 through "technician" in line 12 and insert "a holder of a license or certificate issued under the Water Well Standards and Contractors' Licensing Act employed by a natural resources district".

Senator Schrock filed the following amendment to LB 975:
AM2293

(Amendments to Standing Committee amendments, AM2002)

1. Insert the following sections:

Sec. 17. (1) Except as provided in subsection (2) of this section, a county planning commission or county board shall grant a conditional use permit or special exception to any existing animal feeding operation seeking to construct or modify a livestock waste control facility if the purpose of seeking such permit or exception is to comply with federal or state regulations pertaining to livestock waste management.

(2) A county planning commission or county board is not required to grant a conditional use permit or special exception under subsection (1) of this section if:

(a) Construction of the livestock waste control facility would allow the capacity of the animal feeding operation to increase by more than the greater of (a) ten percent or (b) five hundred cattle, three hundred fifty dairy cows, one thousand two hundred fifty swine each weighing fifty-five pounds or more, five thousand swine each weighing less than fifty-five pounds, two hundred fifty horses, five thousand sheep or lambs, twenty-seven thousand five hundred turkeys, fifteen thousand laying hens or broilers if the animal feeding operation uses a liquid manure handling system, sixty-two thousand five hundred chickens that are not laying hens if the animal feeding operation uses other than a liquid manure handling system, forty-one thousand laying hens if the animal feeding operation uses other than a liquid manure handling system, fifteen thousand ducks if the animal feeding operation uses other than a liquid manure handling system, or two thousand five hundred ducks if the animal feeding operation uses a

liquid manure handling system; or

(b) The operation has not complied with inspection requirements pursuant to section 54-2423.

Sec. 18. A completed nutrient management plan and supporting documentation which has been submitted and remains unchanged as of January 1, 2004, shall not be required to be resubmitted as part of an application for major modification.

Sec. 19. Section 81-1513, Reissue Revised Statutes of Nebraska, is amended to read:

81-1513 (1) Any person who owns or is in control of any plant, building structure, process, or equipment may apply to the director for a variance from rules or regulations. The director may grant such variance if he or she finds that the emissions or discharges occurring or proposed to occur do not endanger or tend to endanger human health or safety or that compliance with the rules or regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public. In making such findings the director shall give due consideration to all the facts and circumstances bearing upon the reasonableness of the emissions or discharges involved including, but not limited to:

(a) The character and degree of injury to or interference with the health and physical property of the people;

(b) The social and economic value of the source of the air, water, or land pollution;

(c) The question of priority of location in the area involved; and

(d) The technical practicability and economic reasonableness of reducing or eliminating the emissions or discharges resulting from such source.

(2) No variance shall be granted until the director has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public. Before any variance is granted, the director shall give public notice of an application for such variance immediately upon receipt of such application and in accordance with the rules and regulations of the department. The notice shall be published in a newspaper of general circulation in the county in which the plant, building structure, process, or equipment on which the proposed variance is located.

(3) Any variance or renewal thereof shall be granted within the requirements of subsection (1) of this section, for time periods and under conditions consistent with the reasons therefor, and within the following limitations:

(a) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement, or control of the air, water, or land pollution involved, it shall be only until the necessary means for prevention, abatement, or control become known and available and

subject to the taking of any substitute or alternate measures that the director may prescribe;

(b) If the variance is granted on the ground that compliance with the particular requirement or requirements from which variance is sought will necessitate the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the director, is requisite for the taking of the necessary measures. A variance granted on the ground specified in this section shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable; and

(c) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in subdivision (a) or (b) of this subsection, it shall be for not more than one year.

(4) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the director on account of the variance, no renewal thereof shall be granted unless the director finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least thirty days prior to the expiration of the variance. Immediately upon receipt of an application for renewal and before approving the renewal application, the director shall give public notice of such application in accordance with rules and regulations of the department. The public notice shall be published in the county in a newspaper of general circulation in which the plant, building structure, process, or equipment on which the variance is located.

(5) A variance or renewal shall not be a right of the applicant or holder thereof but shall be in the discretion of the director. The granting or denial of a variance or a renewal shall be by final order of the director. Any person adversely affected by such an order may appeal the decision, and the appeal shall be in accordance with the Administrative Procedure Act.

(6) Nothing in this section and no variance or renewal granted pursuant to this section shall be construed to prevent or limit the application of the emergency provisions and procedures of section 81-1507 to any person or his or her property.

(7) No variance shall be granted which will sanction any violation of state or federal statutes or regulations.

2. On page 1, line 5, strike "section 16" and insert "sections 16, 17, and 18".

3. On page 15, lines 20 and 22, after "chickens" insert "or ducks".

4. On page 16, line 3, after "54-2435" insert "and section 16 of this act".

5. Amend the operative date and repealer sections so that

the sections added by this amendment become operative on their effective date with the emergency clause.

6. Renumber the remaining sections accordingly.

Senator Schrock filed the following amendment to LB 933:
AM2247

(Amendments to Standing Committee amendments, AM1915)

1. Insert the following new section:

Sec. 18. Section 46-714, Reissue Revised Statutes of Nebraska, is amended to read:

46-714 (1) Whenever the Department of Natural Resources makes a preliminary determination that a river basin, subbasin, or reach not previously designated as overappropriated and not previously determined to be fully appropriated has become fully appropriated, the department shall place an immediate stay on the issuance of any new natural-flow, storage, or storage-use appropriations in such river basin, subbasin, or reach. The department shall also provide prompt notice of such preliminary determination to all licensed water well contractors in the state and to each natural resources district that encompasses any of the geographic area involved. Such notice to natural resources districts shall be by certified mail. The notice shall be addressed to the manager of the natural resources district or his or her designee and shall include the signature of the director of the department. Immediately upon receipt of such notice by the natural resources district, there shall be a stay on issuance of water well construction permits in the geographic area preliminarily determined by the department to include hydrologically connected surface water and ground water in such river basin, subbasin, or reach. The department shall also notify the public of the preliminary determination that the river basin, subbasin, or reach is fully appropriated and of the affected geographic area. Such notice shall be provided by publication once each week for three consecutive weeks in at least one newspaper of statewide circulation and in such other newspaper or newspapers as are deemed appropriate by the department to provide general circulation in the river basin, subbasin, or reach.

(2) If the department preliminarily determines a river basin, subbasin, or reach to be fully appropriated and has identified the existence of hydrologically connected surface water and ground water in such river basin, subbasin, or reach, stays shall also be imposed (a) on the construction of any new water well in the area covered by the determination if such construction has not commenced prior to the determination, whether or not a construction permit for such water well was previously obtained from the department or a natural resources district, and (b) on the use of an existing water well or an existing surface water appropriation in the affected area to increase the number of acres historically irrigated. Such additional stays shall begin

ten days after the first publication, in a newspaper of statewide circulation, of the notice of the preliminary determination that the river basin, subbasin, or reach is fully appropriated.

(3) Exceptions to the stays imposed pursuant to subsection (1), (2), (9), or (10) of this section shall exist for (a) test holes, (b) dewatering wells with an intended use of one year or less, (c) monitoring wells, (d) wells constructed pursuant to a ground water remediation plan under the Environmental Protection Act, (e) water wells designed and constructed to pump fifty gallons per minute or less, except that no two or more water wells that each pump fifty gallons per minute or less may be connected or otherwise combined to serve a single project such that the collective pumping would exceed fifty gallons per minute, (f) water wells for range livestock, (g) new surface water uses or water wells that are necessary to alleviate an emergency situation involving the provision of water for human consumption or public health and safety, (h) water wells defined by the applicable natural resources district as replacement water wells, but the consumptive use of any such replacement water well can be no greater than the historic consumptive use of the water well it is to replace or, if applicable, the historic consumptive use of the surface water use it is to replace, (i) new surface water uses and water wells to which a right or permit is transferred in accordance with state law, but the consumptive use of any such new use can be no greater than the historic consumptive use of the surface water use or water well from which the right or permit is being transferred, (j) water wells and increases in ground water irrigated acres for which a variance is granted by the applicable natural resources district for good cause shown, (k) to the extent permitted by the applicable natural resources district, increases in ground water irrigated acres that result from the use of water wells that were constructed within the nine months prior to the effective date of the stay but were not used for irrigation prior to that effective date, (l) to the extent permitted by the applicable natural resources district, increases in ground water irrigated acres that result from the use of water wells that are constructed after the effective date of the stay in accordance with a permit granted by that natural resources district prior to the effective date of the stay, (m) surface water uses for which temporary public-use construction permits are issued pursuant to subsection (8) of section 46-233, (n) surface water uses and increases in surface water irrigated acres for which a variance is granted by the department for good cause shown, and (o) water wells for which permits have been approved by the Department of Natural Resources pursuant to the Municipal and Rural Domestic Ground Water Transfers Permit Act prior to the effective date of the stay.

(4) Except as otherwise provided in this section, any stay imposed pursuant to subsections (1) and (2) of this section shall remain in effect for the affected river basin, subbasin, or

reach until the department has made a final determination regarding whether the river basin, subbasin, or reach is fully appropriated and, if the department's final determination is that the river basin, subbasin, or reach is fully appropriated, shall remain in effect as provided in subsection (12) of this section. Within the time period between the dates of the preliminary and final determinations, the department and the affected natural resources districts shall consult with any irrigation district, reclamation district, public power and irrigation district, mutual irrigation company, canal company, or municipality that relies on water from the affected river basin, subbasin, or reach and with other water users and stakeholders as deemed appropriate by the department or the natural resources districts. The department shall also hold one or more public hearings not more than ninety days after the first publication of the notice required by subsection (1) of this section. Notice of the hearings shall be provided in the same manner as the notice required by such subsection. Any interested person may appear at such hearing and present written or oral testimony and evidence concerning the appropriation status of the river basin, subbasin, or reach, the department's preliminary conclusions about the extent of the area within which the surface water and ground water supplies for the river basin, subbasin, or reach are determined to be hydrologically connected, and whether the stays on new uses should be terminated.

(5) Within thirty days after the final hearing under subsection (4) of this section, the department shall notify the appropriate natural resources districts of the department's final determination with respect to the appropriation status of the river basin, subbasin, or reach. If the final determination is that the river basin, subbasin, or reach is fully appropriated, the department, at the same time, shall (a) decide whether to continue or to terminate the stays on new surface water uses and on increases in the number of surface water irrigated acres and (b) designate the geographic area within which the department considers surface water and ground water to be hydrologically connected in the river basin, subbasin, or reach and describe the methods and criteria used in making that determination. The department shall provide notice of its decision to continue or terminate the stays in the same manner as the notice required by subsection (1) of this section.

(6) If the department's final determination is that the river basin, subbasin, or reach is not fully appropriated, the department shall provide notice of such determination as provided in subsection (1) of this section, the stays imposed pursuant to subsections (1) and (2) of this section shall terminate immediately, and no further action pursuant to subsections (7) through (12) of this section and sections 46-715 to 46-719 shall be required.

(7) Within ninety days after a final determination by

the department that a river basin, subbasin, or reach is fully appropriated, an affected natural resources district may hold one or more public hearings on the question of whether the stays on the issuance of new water well permits, on the construction of new water wells, or on increases in ground water irrigated acres should be terminated. Notice of the hearings shall be published as provided in section 46-743.

(8) Within forty-five days after a natural resources district's final hearing pursuant to subsection (7) of this section, the natural resources district shall decide (a) whether to terminate the stay on new water wells in all or part of the natural resources district subject to the stay and (b) whether to terminate the stay on increases in ground water irrigated acres. If the natural resources district decides not to terminate the stay on new water wells in any geographic area, it shall also decide whether to exempt from such stay the construction of water wells for which permits were issued prior to the issuance of the stay but for which construction had not begun prior to issuance of the stay. If construction of water wells for which permits were issued prior to the stay is allowed, all permits that were valid when the stay went into effect shall be extended by a time period equal to the length of the stay.

(9) Whenever the department designates a river basin, subbasin, or reach as overappropriated, each previously declared moratorium on the issuance of new surface water appropriations in the river basin, subbasin, or reach shall continue in effect. The department shall also provide prompt notice of such designation to all licensed water well contractors in the state and to each natural resources district that encompasses any of the geographic area involved. Immediately upon receipt of such notice by a natural resources district, there shall be a stay on the issuance of new water well construction permits in any portion of such natural resources district that is within the hydrologically connected area designated by the department. The department shall also notify the public of its designation of such river basin, subbasin, or reach as overappropriated and of the geographic area involved in such designation. Such notice shall be published once each week for three consecutive weeks in at least one newspaper of statewide circulation and in such other newspapers as are deemed appropriate by the department to provide general notice in the river basin, subbasin, or reach.

(10) Beginning ten days after the first publication of notice under subsection (9) of this section in a newspaper of statewide circulation, there shall also be stays (a) on the construction of any new water well in the hydrologically connected area if such construction has not commenced prior to such date and if no permit for construction of the water well has been issued previously by either the department or the natural resources district, (b) on the use of an existing water well in the

hydrologically connected area to increase the number of acres historically irrigated, and (c) on the use of an existing surface water appropriation to increase the number of acres historically irrigated in the affected area.

(11) Within ninety days after a designation by the department of a river basin, subbasin, or reach as overappropriated, a natural resources district that encompasses any of the hydrologically connected area designated by the department may hold one or more public hearings on the question of whether to terminate the stays on (a) the construction of new water wells within all or part of its portion of the hydrologically connected area, (b) the issuance of new water well construction permits in such area, or (c) the increase in ground water irrigated acres in such area. Notice of any hearing for such purpose shall be provided pursuant to section 46-743. Prior to the scheduling of a natural resources district hearing on the question of whether to terminate any such stay, the department and the affected natural resources district shall consult with any irrigation district, reclamation district, public power and irrigation district, mutual irrigation company, canal company, or municipality that relies on water from the affected river basin, subbasin, or reach and with other water users and stakeholders as deemed appropriate by the department or the natural resources district.

(12) Any stay issued pursuant to this section shall remain in effect until (a) the stay has been terminated pursuant to subsection (5), (6), (8), or (11) of this section, (b) an integrated management plan for the affected river basin, subbasin, or reach has been adopted by the department and the affected natural resources districts and has taken effect, (c) an integrated management plan for the affected river basin, subbasin, or reach has been adopted by the Interrelated Water Review Board and has taken effect, (d) the department has completed a reevaluation pursuant to subsection (2) of section 46-713 and has determined that the affected river basin, subbasin, or reach is not fully appropriated or overappropriated, or (e) the stay expires pursuant to this subsection. Such stay may be imposed initially for not more than three years following the department's designation of the river basin, subbasin, or reach as overappropriated or the department's final determination that a river basin, subbasin, or reach is fully appropriated and may be extended thereafter on an annual basis by agreement of the department and the affected natural resources district for not more than two additional years if necessary to allow the development, adoption, and implementation of an integrated management plan pursuant to sections 46-715 to 46-719.

2. Insert the following new amendment:

"2. On page 8, line 10, after "permit" insert ", except that this subsection does not apply to appropriations to which subsection (2) of section 46-237 applies"."

3. Renumber the remaining amendments and sections and correct the repealer accordingly.

SELECT FILE

LEGISLATIVE BILL 818. The Preister pending amendment, FA443, found in this day's Journal, to the Schrock-Wehrbein pending amendment, was renewed.

Senator Preister withdrew his amendment.

Senator Schrock withdrew the Schrock-Wehrbein pending amendment, AM2299, found in this day's Journal.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills and resolution were correctly engrossed: LBs 14, 85, 85A, 1003, and LR 2CA.

ER9064

Enrollment and Review Change to LB 1003

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7149, on page 1, line 10, "77-27,117," has been inserted after the second comma; and in line 18 "provisions" has been inserted after "tax".

2. In the Standing Committee amendments, AM1935, on page 44, line 9, "7, 8, and 19" has been struck and "8, 9, and 20" inserted; in line 12 "20" has been struck and "21" inserted; and in line 21 "section" has been struck and "sections 77-27,117 and" inserted.

ER9065

Enrollment and Review Change to LR 2CA

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 2, "FIRST" has been struck and "SECOND" inserted.

(Signed) Michael Flood, Chairperson

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 952. Placed on General File.
LEGISLATIVE BILL 1079. Placed on General File.
LEGISLATIVE BILL 1086. Placed on General File.
LEGISLATIVE BILL 1116. Placed on General File.
LEGISLATIVE BILL 1232. Placed on General File.
LEGISLATIVE BILL 1244. Placed on General File.

LEGISLATIVE BILL 869. Placed on General File as amended.
Standing Committee amendment to LB 869:
AM2246

1. Strike original section 1.
2. On page 3, line 12, strike "and" through the comma, show as stricken, and insert an underscored comma; and in lines 19 to 25 strike the new matter and reinstate the stricken matter.
3. On page 4, after line 2, insert the following new subsection:

"(4) For FY2006-07 and each fiscal year thereafter, proceeds from the tax imposed pursuant to section 68-1803 shall be remitted to the State Treasurer for credit as follows:

(a) To the ICF/MR Reimbursement Protection Fund for allocation as described in this subdivision: (i) Fifty-five thousand dollars for administration of the fund; (ii) the amount needed to reimburse intermediate care facilities for the mentally retarded for the cost of the tax; (iii) twenty-five percent of the funds collected pursuant to subsection (1) of section 68-1803 for payment of rates to non-state-operated intermediate care facilities for the mentally retarded; and (iv) twenty-five percent of the funds collected pursuant to subsection (1) of section 68-1803 for community-based services for persons with developmental disabilities; and

(b) To the General Fund: The remainder of the proceeds.".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 790. Indefinitely postponed.

(Signed) Jim Jensen, Chairperson

AMENDMENT - Print in Journal

Senator Beutler filed the following amendment to LB 872:
AM2281

1. On page 11, line 11; and page 23, lines 17 and 18, strike "emissions trading programs" and insert "such emissions trading programs as the department shall direct".

SELECT FILE

LEGISLATIVE BILL 818. Advanced to E & R for engrossment.

LEGISLATIVE BILL 778. E & R amendment, AM7155, printed separately and referred to on page 579, was adopted.

Senator Langemeier renewed his pending amendment, AM2256, found on page 629.

The Langemeier amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 887. E & R amendment, AM7154, found on page 579, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1007. E & R amendment, AM7158, found on page 601, was adopted.

Senator Baker offered the following amendment:
AM2277

1. Insert the following new section:

Sec. 21. (1) A provision, a clause, a covenant, or an agreement contained in, collateral to, or affecting a motor carrier transportation contract that purports to indemnify, defend, or hold harmless or has the effect of indemnifying, defending, or holding harmless the motor carrier transportation contract's promisee from or against any liability for loss or damage resulting from the negligence or intentional acts or omissions of the motor carrier transportation contract's promisee or any agents, employees, servants, or independent contractors who are directly responsible to the motor carrier transportation contract's promisee, is against the public policy of this state and is unenforceable.

(2) Nothing contained in this section affects a provision, a clause, a covenant, or an agreement in which a motor carrier indemnifies or holds harmless a motor carrier transportation contract's promisee against liability for damages to the extent that the damages were caused by and resulting from the negligence of the motor carrier or its agents, employees, servants, or independent contractors who are directly responsible to the motor carrier.

(3) As used in this section:

(a) Motor carrier means any person who or which owns,

controls, manages, operates, or causes to be operated any motor vehicle used to transport goods over any public highway in this state, whether in intrastate or interstate commerce;

(b) Motor carrier transportation contract means a contract, agreement, or understanding covering:

(i) The transportation of property for compensation or hire by a motor carrier;

(ii) The entrance on property by a motor carrier for the purpose of loading, unloading, or transporting property for compensation or for hire; or

(iii) A service incidental to activity described in subdivision (i) or (ii) of this subsection, including, but not limited to, storage of property.

A motor carrier transportation contract does not include provisions of the Uniform Intermodal Interchange and Facilities Access Agreement administered by the Intermodal Association of North America or any other provision, clause, covenant, or agreement providing for the interchange, use, or possession of intermodal chassis, containers, or other intermodal equipment; and

(c) Promisee means the party to a motor carrier transportation contract who or which is not a motor carrier or, if the promisee is a motor carrier, is not the motor carrier actually doing the transporting.

2. Renumber the remaining sections accordingly.

The Baker amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 1019. Title read. Considered.

The Standing Committee amendment, AM2207, printed separately and referred to on page 611, was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 478. The Cornett pending amendment, AM1810, found on page 142 and considered on page 638, was renewed.

Senator Chambers offered the following amendment to the Cornett pending amendment:
FA448

Amendment to AM1810
P. 7, line 26 after 6 insert "as such provisions existed on the effective date of this act".

Pending.

ANNOUNCEMENT

Senator Baker announced the Transportation and Telecommunications Committee will hold an executive session Tuesday, February 21, 2006, at 1:30 p.m., in Room 1113.

STANDING COMMITTEE REPORT
General Affairs

LEGISLATIVE RESOLUTION 259CA. Placed on General File.

(Signed) Ray Janssen, Chairperson

ANNOUNCEMENTS

Senator Wehrbein designates LB 990 as his priority bill.

Senator Cunningham designates LB 1258 as his priority bill.

Senator McDonald designates LR 259CA as her priority resolution.

AMENDMENT - Print in Journal

Senator Brashear filed the following amendment to LB 188:
(Amendment, AM2262, is printed separately and available in the Bill Room, Room 1104.)

VISITORS

Visitors to the Chamber were 20 members from the NSEA-Retired; and the volunteer youth group with the Nebraska Library Association.

The Doctor of the Day was Dr. Teresa Stump from Omaha.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator Price, the Legislature adjourned until 9:00 a.m., Wednesday, February 15, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-EIGHTH DAY - FEBRUARY 15, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 15, 2006

PRAYER

The prayer was offered by Pastor Peggy Michael-Rush, Faith United Methodist Church, Gibbon.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Byars, Engel, Mines, Dw. Pedersen, D. Pederson, and Stuthman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-seventh day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 776, 818, and 1111.

(Signed) Michael Flood, Chairperson

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 1259. Placed on General File.

(Signed) Mick Mines, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 1069. Placed on General File as amended.

Standing Committee amendment to LB 1069:
AM2307

1. Strike sections 1 and 3 and insert the following new section:

Section 1. (1) The Department of Health and Human Services Finance and Support may reimburse an individual for the costs incurred by such individual in the transportation of a person eligible to receive transportation services through the Nebraska Health and Human Services System if:

(a) The individual is under contract with the Nebraska Health and Human Services System and provides transportation to the eligible person; and

(b) The eligible person has chosen the individual to provide the transportation.

(2) The department shall reimburse for the costs incurred in the transportation at a rate no greater than that provided for reimbursement of state employees pursuant to section 81-1176.

(3) Transportation provided to an eligible person by an individual pursuant to this section does not constitute transportation for hire.

(4) The department may adopt and promulgate rules and regulations to implement this section.

2. On page 7, line 22, strike "sections 75-302 and 75-303" and insert "section 75-302".

LEGISLATIVE BILL 1215. Placed on General File as amended.
Standing Committee amendment to LB 1215:
AM2259

1. Strike original section 1 and insert the following new section:

Section 1. Section 60-169, Revised Statutes Supplement, 2005, is amended to read:

60-169 ~~(1) Each~~ (1)(a) Except as otherwise provided in subdivision (b) of this subsection, each owner of a vehicle and each person mentioned as owner in the last certificate of title, when the vehicle is dismantled, destroyed, or changed in such a manner that it loses its character as a vehicle or changed in such a manner that it is not the vehicle described in the certificate of title, shall surrender his or her certificate of title to the county clerk or designated county official of the county where such certificate of title was issued or, if issued by the department, to the department. If the certificate of title is surrendered to the county clerk or designated county official, he or she shall, with the consent of any holders of any liens noted thereon, enter a cancellation upon his or her records and shall notify the department of such cancellation. If the certificate is surrendered to the department, it shall, with the consent of any holder of any lien noted thereon, enter a cancellation upon its records.

(b)(i) In the case of a mobile home for which a

certificate of title has been issued, if such mobile home is affixed to real property in which the owner of the mobile home has an ownership interest, the certificate of title may be surrendered for cancellation to the county clerk or designated county official of the county where such certificate of title is issued or, if issued by the department, to the department, if at the time of surrender, the owner submits to the county clerk, designated county official, or to the department an affidavit of affixture on a form provided by the department that contains all of the following, as applicable: (A) The names and addresses of all of the owners of record of the mobile home; (B) a description of the mobile home that includes the name of the manufacturer of the mobile home, the year of manufacture, the model, and the manufacturer's serial number; (C) the legal description of the real property upon which the mobile home is affixed; (D) a statement that the mobile home is affixed to the real property; (E) the written consent of each holder of a lien duly noted on the certificate of title to the release of such lien and the cancellation of the certificate of title; (F) a copy of the certificate of title surrendered for cancellation; and (G) the name and address of an owner, a financial institution, or other entity to which notice of cancellation of the certificate of title may be delivered.

(ii) The person submitting an affidavit of affixture pursuant to this subdivision shall swear or affirm that all statements in the affidavit are true and material and further acknowledge that any false statement in the affidavit may subject the person to penalties relating to perjury under section 28-915.

(2) If a certificate of title of a mobile home is surrendered to the county clerk or designated county official, along with the affidavit required by subdivision (1)(b) of this section, he or she shall enter a cancellation upon his or her records, notify the department of such cancellation, and forward a duplicate original of the affidavit to the department and deliver a duplicate original of the executed affidavit under subdivision (1)(b) of this section to the register of deeds for the county in which the real property is located which shall be filed by the register of deeds. The county clerk or designated county official shall be entitled to collect fees from the person submitting the affidavit in accordance with sections 33-109 and 33-112 to cover the costs of filing such affidavit. If the certificate of title is surrendered to the department, along with the affidavit required by subdivision (1)(b) of this section, the department shall enter a cancellation upon its records and deliver a duplicate original of the executed affidavit under subsection (1)(b) of this section to the register of deeds for the county in which the real property is located which shall be filed by the register of deeds. The department shall be entitled to collect fees from the person submitting the affidavit in accordance with sections 33-109 and 33-112 to cover the costs of filing such affidavit. Following

the cancellation of a mobile home certificate of title, neither the county clerk, designated county official, nor the department shall issue a certificate of title for such mobile home, except as provided in subsection (5) of this section.

(3) If a mobile home is affixed to real estate before the effective date of this act, a person who is the holder of a lien or security interest in both the mobile home and the real estate to which it is affixed on such date may enforce its liens or security interests by accepting a deed in lieu of foreclosure or in the manner provided by law for enforcing liens on the real estate.

(4) A mobile home for which the certificate of title has been canceled and for which an affidavit of affixture has been duly recorded pursuant to subsection (2) of this section shall be treated as part of the real estate upon which such mobile home is located and any lien thereon shall be perfected and enforced in the same manner as a lien on real estate and the owner may convey ownership of the mobile home only as a part of the real estate to which it is affixed.

(5) If an owner of both the mobile home and the real estate described in subdivision (1)(b) of this section intends to detach the mobile home from the real estate, the owner shall do both of the following: (a) Before detaching the mobile home, record an affidavit of detachment in the office of the register of deeds in the county in which the affidavit is recorded under subdivision (1)(b) of this section; and (b) apply for a certificate of title for the mobile home pursuant to section 60-147. The affidavit of detachment shall contain all of the following: (i) The names and addresses of all of the owners of record of the mobile home; (ii) a description of the mobile home that includes the name of the manufacturer of the mobile home, the year of manufacture, the model, and the manufacturer's serial number; (iii) the legal description of the real estate from which the mobile home is to be detached; (iv) a statement that the mobile home is to be detached from the real property; (v) a statement that the mobile home certificate of title has previously been canceled, (vi) the name of each holder of a lien of record against the real estate from which the mobile home is to be detached, with the written consent of each holder to the detachment; and (vii) the name and address of an owner, financial institution, or other entity to which the certificate of title may be delivered.

(6) An owner of an affixed mobile home for which the certificate of title has previously been canceled pursuant to subsection (2) of this section shall not detach the mobile home from the real estate before a certificate of title for the mobile home is issued by the county clerk, designated county official, or department. If a certificate of title is issued by the county clerk, designated county official, or department, the mobile home is no longer considered part of the real property and any lien thereon shall be perfected pursuant to section 60-164 and the owner

may convey ownership of the mobile home only by way of certificate of title.

(7) For purposes of this section:

(a) A mobile home is affixed to real estate if the wheels, towing hitches, and running gear are removed and it is permanently attached to a foundation or other support system; and

(b) Ownership interest means the fee simple interest in real estate or an interest as the lessee under a lease of the real property that has a term that continues for at least twenty years after the recording of the affidavit under subsection (2) of this section.

~~(2)~~ (8) Upon cancellation of a certificate of title in the manner prescribed by this section, the county clerk or designated county official and the department may cancel and destroy all certificates and all memorandum certificates in that chain of title.

(Signed) Tom Baker, Chairperson

ANNOUNCEMENTS

Senator Kopplin designates LB 500 as his priority bill.

The Health and Human Services Committee designates LB 994 as its priority bill.

Senator Langemeier designates LB 1226 as his priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 289. Introduced by Stuhr, 24.

WHEREAS, Mark Murphy, elementary school principal in the Centennial Public Schools, was named the Distinguished Principal for 2006 by the Nebraska Association of Elementary School Principals; and

WHEREAS, this recognition is also sponsored by the United States Department of Education and the National Association of Elementary School Principals. Mr. Murphy will be honored again this fall in Washington, D. C.; and

WHEREAS, this program is an annual event which honors outstanding principals who impart the highest quality of education that all children should receive during their early school years; and

WHEREAS, Principal Murphy is a leader in his community and also a leader in his profession and is known for his character, creativity, and concern for all of his students; and

WHEREAS, Mark Murphy exemplifies the ideals of effective leadership, efficient management, community spirit, and a commitment to education.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and congratulates Principal Mark Murphy for this achievement.

2. That a copy of this resolution be sent to Mark Murphy, elementary school principal in the Centennial Public Schools; Brian Maher, Superintendent of Centennial Public Schools; and the Centennial Public Schools Board.

Laid over.

MOTIONS - Approve Appointments

Senator Schrock moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 635:

Oil and Gas Conservation Commission
Thomas Sonntag

Voting in the affirmative, 27:

Aguilar	Erdman	Johnson	Pahls	Stuhr
Baker	Fischer	Kopplin	Raikes	Thompson
Beutler	Friend	Kremer	Redfield	Wehrbein
Burling	Heidemann	Kruse	Schimek	
Cudaback	Hudkins	Landis	Schrock	
Cunningham	Jensen	Louden	Smith	

Voting in the negative, 0.

Present and not voting, 16:

Bourne	Combs	Foley	McDonald
Brashear	Connealy	Howard	Preister
Brown	Cornett	Janssen	Price
Chambers	Flood	Langemeier	Synowiecki

Excused and not voting, 6:

Byars	Mines	Pederson, D.
Engel	Pedersen, Dw.	Stuthman

The appointment was confirmed with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Senator Schrock moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 635:

Environmental Quality Council
Michael Bair
Robert Hall

Alden Zuhlke

Voting in the affirmative, 33:

Aguilar	Combs	Foley	Landis	Schimek
Baker	Connealy	Friend	Langemeier	Smith
Beutler	Cornett	Heidemann	Louden	Stuhr
Bourne	Cudaback	Howard	Pahls	Stuthman
Brashear	Cunningham	Hudkins	Pederson, D.	Wehrbein
Burling	Erdman	Kopplin	Raikes	
Byars	Fischer	Kruse	Redfield	

Voting in the negative, 0.

Present and not voting, 13:

Brown	Janssen	Kremer	Price	Thompson
Chambers	Jensen	McDonald	Schrock	
Flood	Johnson	Preister	Synowiecki	

Excused and not voting, 3:

Engel	Mines	Pedersen, Dw.

The appointments were confirmed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Senator Schimek moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 639:

State Personnel Board

Lucinda Glen

Voting in the affirmative, 35:

Aguilar	Cudaback	Heidemann	Louden	Schimek
Baker	Cunningham	Howard	McDonald	Schrock
Bourne	Erdman	Hudkins	Pahls	Smith
Brashear	Fischer	Kopplin	Pedersen, Dw.	Stuhr
Burling	Flood	Kremer	Pederson, D.	Stuthman
Chambers	Foley	Kruse	Price	Thompson
Connealy	Friend	Landis	Redfield	Wehrbein

Voting in the negative, 0.

Present and not voting, 12:

Beutler	Combs	Jensen	Preister
Brown	Cornett	Johnson	Raikes
Byars	Janssen	Langemeier	Synowiecki

Excused and not voting, 2:

Engel	Mines

The appointment was confirmed with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 23. Indefinitely postponed.
LEGISLATIVE BILL 34. Indefinitely postponed.
LEGISLATIVE BILL 153. Indefinitely postponed.
LEGISLATIVE BILL 190. Indefinitely postponed.
LEGISLATIVE BILL 397. Indefinitely postponed.
LEGISLATIVE BILL 638. Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

ANNOUNCEMENT

Senator Pahls designates LB 1262 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 188. Title read. Considered.

The Standing Committee amendment, AM0128, found on page 1809, First Session, 2005, was considered.

Senator Beutler renewed his pending amendment, AM2270, printed separately and referred to on page 643, to the Standing Committee amendment.

Senator Beutler moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The Beutler amendment was adopted with 33 ayes, 5 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 12 nays, 6 present and not voting, and 3 excused and not voting.

Senator Brashear renewed his pending amendment, AM2262, printed separately and referred to on page 673.

Senator Brashear moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

The Brashear amendment lost with 16 ayes, 28 nays, 4 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 28 ayes, 14 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 1220. Placed on General File as amended.
Standing Committee amendment to LB 1220:
AM2275

1. On page 2, strike beginning with "and" in line 22 through the period in line 23 and insert ". Funding under the program shall be awarded to a nationally accredited internship training program with a history of placing interns in rural areas.".

(Signed) Jim Jensen, Chairperson

General Affairs

LEGISLATIVE BILL 1039. Placed on General File as amended.
Standing Committee amendment to LB 1039:
AM2309

1. Strike original sections 2 and 3.
2. On page 2, line 3, strike "sections 3 and 4" and insert "section 2".
3. On page 5, line 3, strike "ten" and insert "five"; and strike beginning with "and" in line 18 through "are" in line 19 and insert "is".
4. Renumber the remaining sections accordingly.

(Signed) Ray Janssen, Chairperson

ANNOUNCEMENTS

Senator Chambers designates LB 1096 as his priority bill.

Senator Johnson designates LB 385 as his priority bill.

STANDING COMMITTEE REPORT
Education

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Marilyn Harris - Coordinating Commission for Postsecondary Education

VOTE: Aye: Senators Bourne, Byars, Howard, Kopplin, McDonald, Raikes, Schrock, and Stuhr. Nay: None. Absent: None.

(Signed) Ron Raikes, Chairperson

AMENDMENTS - Print in Journal

Senator Stuhr filed the following amendment to LB 72:
(Amendment, AM2211, is printed separately and available in the Bill Room, Room 1104.)

Senator Kopplin filed the following amendment to LB 438:
AM2300

1. Insert the following new sections:

Section 1. Section 60-301, Revised Statutes Supplement, 2005, is amended to read:

60-301 Sections 60-301 to 60-3,220 and sections 2 to 4 of this act shall be known and may be cited as the Motor Vehicle Registration Act.

Sec. 2. (1) Any resident of this state may, in addition to the application required by section 60-385, make application to the department for a set of license plates designed by the department to indicate that the applicant for the license plates has received from the federal government an award of the Legion of Merit. The inscription on the plates shall be designed so as to include a facsimile of the award and beneath any numerical designation upon the plates pursuant to section 60-370 the words Legion of Merit separately on one line.

(2) The license plates shall be issued upon payment of the regular license fee and an additional fee of five dollars and furnishing proof satisfactory to the department that the applicant was awarded the Legion of Merit. The additional fee shall be remitted to the State Treasurer for credit to the Highway Trust Fund. Only one motor vehicle or trailer owned by the applicant shall be so licensed at any one time.

(3) If license plates issued pursuant to this section are lost, stolen, or mutilated, the recipient of the plates shall be issued replacement license plates upon request and without charge.

2. Renumber the remaining sections and correct internal references and the repealer accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Senator Dw. Pedersen asked unanimous consent to add his name as cointroducer to LB 904. No objections. So ordered.

Senator Engel asked unanimous consent to add his name as cointroducer to LB 957. No objections. So ordered.

Senator Chambers asked unanimous consent to add his name as cointroducer to LB 1096. No objections. So ordered.

VISITORS

Visitors to the Chamber were Michael Cruisenberry from Lincoln; Annabel Von Holtzendorff from Passau, Germany; Leadership Academy Group and sponsors from Wymore Southern High School; members of Leadership Hastings, Leadership York, and Leadership Hall County; James Dukesherer from Bayard; 45 fourth-grade students and teachers from Eagle; and Madison County constituents.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 11:56 a.m., on a motion by Senator Louden, the Legislature adjourned until 9:00 a.m., Thursday, February 16, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-NINTH DAY - FEBRUARY 16, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 16, 2006

PRAYER

The prayer was offered by Pastor Frank Armstrong, First Baptist Church, Norfolk.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Brashear, Brown, Kruse, Mines, Preister, and Synowiecki who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-eighth day was approved.

STANDING COMMITTEE REPORT
Transportation and Telecommunications

LEGISLATIVE BILL 1222. Placed on General File as amended.
(Standing Committee amendment, AM2238, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Tom Baker, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 290. Introduced by Brashear, 4.

WHEREAS, the NEBRASKAland Foundation, on Saturday, March 4, 2006, at the annual Statehood Day dinner, held in the Nebraska State Capitol, shall present the distinguished NEBRASKAlander Award, along with the Sower, WagonMaster, Trailblazer, and Pioneer awards; and

WHEREAS, the WagonMaster Award will be presented to Dr. Martin Massengale. Dr. Massengale, truly one of the outstanding educators of

America, served as Chancellor of the University of Nebraska from 1981-1990 and President of the University of Nebraska from 1991-1994. He has lectured extensively at regional, national, and international scientific meetings. His expertise has taken him to numerous foreign countries to review educational programs and agricultural production issues. He currently is Director, Center for Grassland Studies, a Foundation Distinguished Professor, and President Emeritus at the University of Nebraska; and

WHEREAS, the second WagonMaster Award will be presented to Mr. Keith Blackledge. Mr. Blackledge was editor of the North Platte Telegraph for twenty-five years, retiring in 1992. He is a member of both the Nebraska Newspaper and North Platte Chamber of Commerce Halls of Fame. He served as chairman of the State College Board of Trustees, Nebraska Public Radio Foundation, and Nebraska State Historical Society; and

WHEREAS, the Pioneer Award will be presented to Mr. Jack Maddux. Mr. Maddux, a third generation cattleman from Wauneta, Nebraska, has been active in water and natural resource policy issues. He has received the Nebraska Builder Award, AkSarBen Agricultural Achievement Award, and "Cattle Businessman of the Year" Award by the National Cattlemen's Association. He served on the Platte River Whooping Crane Trust and currently serves on the Water Policy Task Force; and

WHEREAS, the Trailblazer Award is presented to The Honorable LaVon Crosby. Ms. Crosby served in the Nebraska Legislature from 1988 until 2000. Signature legislation championed by State Senator Crosby included the establishment of, and funding for, the Nebraska Cultural Endowment. A lifetime active supporter of the arts and education, she has been named the Sower Award winner by the Nebraska Humanities Council, a Friend of Music by the Nebraska Music Educators, and a Friend of Education by the Nebraska State Education Association; and

WHEREAS, the Distinguished NEBRASKAlander Award is presented to The Honorable Bob Kerrey. Mr. Kerrey is President of the New School in New York City. He served as Nebraska's Governor for four years and represented the State of Nebraska in the United States Senate. A United States Navy veteran and Congressional Medal of Honor winner, Senator Kerrey also started a chain of restaurants and health clubs in Nebraska, Iowa, and Kansas; and

WHEREAS, the Sower Award is presented to Mr. Ted Kooser. Mr. Kooser is a retired life insurance executive and a Presidential Professor of English at the University of Nebraska. He is currently serving his second term as United States Poet Laureate and was awarded the 2005 Pulitzer Prize for Poetry.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its appreciation to the aforementioned honorees for their service to the State of Nebraska.

2. That a copy of this resolution be sent to all honorees.

Laid over.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Allen Grell - State Emergency Response Commission

VOTE: Aye: Senators Brown, Langemeier, Mines, Pahls, Schimek, Wehrbein. Nay: None. Absent: Senators Burling, Fischer.

(Signed) DiAnna R. Schimek, Chairperson

ANNOUNCEMENTS

Senator Connealy designates LB 1010 as his priority bill.

Senator Howard designates LB 228 as her priority bill.

The Agriculture Committee designates LB 346 as its priority bill.

Senator Aguilar designates LB 915 as his priority bill.

Senator Mines designates LB 786 as his priority bill.

Senator Preister designates LB 898 as his priority bill.

Senator Cornett designates LR 262CA as her priority resolution.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 15, 2006, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Bunger, Charles K.
North Platte Community Development Corp.

McBride, David S.
Health Underwriters, Nebraska Association of

Pirruccello, Jeffrey J.
McGrath North Mullin & Kratz, PC LLO

Radcliffe, Walter H. of Radcliffe & Associates
Legal Aid of Nebraska

REPORTS

The following reports were received by the Legislature:

Energy Office, Nebraska
Annual Report for Fiscal Year 2004-2005
Roads, Department of
Board of Public Roads Classifications and Standards Minutes for November 2005

ANNOUNCEMENT

Senator Kremer announced the Agriculture Committee will hold an executive session Tuesday, February 21, 2006, at 1:30 p.m., in Room 2102.

GENERAL FILE

LEGISLATIVE BILL 856. Title read. Considered.

The Standing Committee amendment, AM2107, printed separately and referred to on page 580, was considered.

Senator Kremer renewed his pending amendment, AM2214, found on page 613, to the Standing Committee amendment.

The Kremer amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Senator Chambers offered the following amendment:
FA449
Amendment to AM2107
P. 1, line 23 strike beginning with the second appearance of "eggs" through "hatching," and insert "an unborn chick" and on page 2, line 1, strike all language.

Senator Chambers offered the following amendment to his pending amendment:
FA450
Amendment to FA449
Strike "chick" and insert "fowl".

Senator Chambers moved for a call of the house. The motion prevailed with

15 ayes, 0 nays, and 34 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Aguilar	Cornett	Janssen	Pederson, D.	Thompson
Chambers	Cudaback	Landis	Price	Wehrbein
Connealy	Howard	Pahls	Schimek	

Voting in the negative, 6:

Erdman	Foley	Louden
Flood	Langemeier	Smith

Present and not voting, 25:

Baker	Byars	Friend	Kopplin	Redfield
Beutler	Combs	Heidemann	Kremer	Schrock
Bourne	Cunningham	Hudkins	Kruse	Stuhr
Brashear	Engel	Jensen	McDonald	Stuthman
Burling	Fischer	Johnson	Pedersen, Dw.	Synowiecki

Excused and not voting, 4:

Brown	Mines	Preister	Raikes

The Chambers amendment lost with 14 ayes, 6 nays, 25 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to his pending amendment:
FA452
Amendment to FA449
In Chambers amendment after "chick" add "Unborn means unhatched." and correlate the amendment with the definition of "Hatching eggs" wherever it appears.

SENATOR SCHIMEK PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Aguilar	Cudaback	Janssen	Landis	Price
Chambers	Howard	Johnson	Pederson, D.	Thompson

Voting in the negative, 5:

Erdman	Flood	Langemeier	Louden	Smith

Present and not voting, 28:

Baker	Combs	Foley	Kruse	Schimek
Beutler	Connealy	Friend	McDonald	Schrock
Bourne	Cornett	Heidemann	Pahls	Stuhr
Brashear	Cunningham	Hudkins	Pedersen, Dw.	Synowiecki
Burling	Engel	Jensen	Raikes	
Byars	Fischer	Kremer	Redfield	

Excused and not voting, 6:

Brown	Mines	Stuthman
Kopplin	Preister	Wehrbein

The Chambers amendment lost with 10 ayes, 5 nays, 28 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

ANNOUNCEMENTS

Senator Cudaback designates LB 663 as his priority bill.

Senator Janssen designates LB 959 as his priority bill.

The General Affairs Committee designates LB 562 as its priority bill.

The Urban Affairs Committee designates LB 1175 and LB 907 as its priority bills.

Senator Smith designates LB 995 as his priority bill.

The Health and Human Services Committee designates LB 1248 as its priority bill.

Senator Jensen designates LB 965 as his priority bill.

The Education Committee designates LB 129 as its priority bill.

Senator Raikes designates LB 1208 as his priority bill.

Senator Stuthman designates LB 745 as his priority bill.

The Executive Board designates LB 939 and LB 1141 as its priority bills.

Senator Schrock designates LB 1156 as his priority bill.

The Judiciary Committee designates LB 1115 and LB 1113 as its priority bills.

Senator Thompson designates LB 1107 as her priority bill.

Senator Brown designates LB 1105 as her priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 291. Introduced by Erdman, 47; Foley, 29.

WHEREAS, Donald F. McGinley, a lifelong Nebraskan and public servant, passed away on July 6, 2005; and

WHEREAS, Donald F. McGinley is survived by his beloved wife, Nancy, daughter Frances, stepchildren Leslie, Geoffrey, Nancy, Richard, Cyrus, and Dana, and seven grandchildren; and

WHEREAS, Donald F. McGinley demonstrated his love of learning by graduating from Ogallala High School in 1938, receiving a bachelor's degree from the University of Notre Dame in 1942, and earning a law degree from Georgetown University in 1949; and

WHEREAS, Donald F. McGinley honorably served his country in the Army Air Forces during World War II; and

WHEREAS, Donald F. McGinley began his many years of public service as the Arthur County Attorney; and

WHEREAS, Donald F. McGinley offered his time and many talents in the following governmental positions: Member, Nebraska Unicameral; Member, U. S. House of Representatives; Trustee, Mid-Plains Community College Board of Trustees; Judge, Commission of Industrial Relations; Nebraska Lieutenant Governor; and Director of Nebraska Selective Services.

WHEREAS, Donald F. McGinley used his Irish wit and story-telling abilities to survive much adversity in his own life and make the world a better place.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature honors the memory and many achievements of Donald F. McGinley.

2. That a copy of this resolution be sent to the family of Donald F. McGinley.

Laid over.

AMENDMENTS - Print in Journal

Senators Stuhr and Raikes filed the following amendment to LB 690:
AM2260

(Amendments to Standing Committee amendments, AM0705)

1. Strike section 6 and insert the following new section:

Sec. 6. (1) Beginning with the 2008-09 school year, every school district shall develop an individual academic plan for each student enrolled in the school district in the eighth grade. The plan shall specify the courses the student should complete each semester to gain the knowledge and skills necessary to pursue postsecondary education and multiple career options in areas of interest to the student. The academic plan shall be developed and updated annually in consultation with the student.

(2) When a new student enrolls in the high school grades of a school district, the district shall develop an academic plan meeting the requirements of this section:

(a) Prior to the student's attendance if the student's attendance will not be delayed by the development of the academic plan; or

(b) Within ten school days after the student's enrollment if the student's attendance would be delayed by the development of the academic plan.

Senator Kruse filed the following amendment to LB 845:
AM2320

1. Insert the following new section:

Sec. 2. (1) On or before January 1, 2007, the commission shall adopt and promulgate rules and regulations governing programs which provide training for persons employed in the sale and service of alcoholic liquor and management of licensed premises. Such rules and regulations may include, but need not be limited to:

(a) Minimum standards governing training of beverage servers, including standards and requirements governing curriculum, program trainers, and certification requirements;

(b) Minimum standards governing training in management of licensed premises, including standards and requirements governing curriculum, program trainers, and certification requirements;

(c) Minimum standards governing the methods allowed for training programs which may include the Internet, interactive video, live training in various locations across the state, and other means deemed appropriate by the commission;

(d) Methods for approving beverage server training organizations and programs. All beverage server training programs approved by the commission shall issue a certificate of completion to all persons who successfully complete the program and shall provide the names of all persons completing the program to the commission;

(e) Enrollment fees in an amount determined by the commission to be necessary to cover the expense of enrolling in a training program offered by the commission pursuant to subsection (2) of this section, but not to exceed thirty dollars; and

(f) Procedures and fees for certification, which fees shall be in an amount determined by the commission to be sufficient to defray the expenses associated with maintaining a list of persons certified under this section and issuing proof of certification to eligible individuals but shall not exceed twenty dollars.

(2) The commission may create a program to provide training for persons employed in the sale and service of alcoholic liquor and management of licensed premises. The program shall include training on the issues of sales and service of alcoholic liquor to minors and to visibly inebriated purchasers. The commission may charge each person enrolling in the program an enrollment fee as provided in the rules and regulations. All such fees shall be collected by the commission and remitted to the State Treasurer for credit to the Nebraska Liquor Control Commission Rule and Regulation Cash Fund.

(3) A person who has completed a training program which complies with the rules and regulations, whether such program is offered by the commission or by another organization, may become certified by the commission upon the commission receiving evidence that he or she has completed such program and the person seeking certification paying the certification fee established under this section.

2. Renumber the remaining section accordingly.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 1126. Placed on General File as amended.
Standing Committee amendment to LB 1126:
AM2318

1. On page 5, line 7, strike "$1,676.74" and insert "$1,676.71".

LEGISLATIVE BILL 1158. Indefinitely postponed.

(Signed) Douglas Cunningham, Chairperson

Urban Affairs

LEGISLATIVE BILL 1175. Placed on General File as amended.
Standing Committee amendment to LB 1175:
AM2193

1. Strike the original sections and insert the following new sections:

Section 1. Section 15-201.02, Reissue Revised Statutes of Nebraska, is amended to read:

15-201.02 In addition to any other powers granted to it by law, a city of the primary class may enter into installment contracts for the purchase of real or personal property. Such contracts need not be restricted to a single year and may provide for the purchase of the property in installment payments to be paid over more than one fiscal year. This section shall be in addition to and notwithstanding the provisions of a home rule charter.

Sec. 2. Section 18-2147, Revised Statutes Cumulative Supplement, 2004, is amended to read:

18-2147 (1) Any redevelopment plan as originally approved or as later modified pursuant to section 18-2117, may contain a provision that any ad valorem tax levied upon real property in a redevelopment project for the benefit of any public body shall be divided, for a period not to exceed fifteen years after the effective date of such a provision by the governing body, as follows:

(a) That portion of the ad valorem tax which is produced by the levy at the rate fixed each year by or for each such public body upon the redevelopment project valuation shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body;

(b) That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans, notes, or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such authority for financing or refinancing, in whole or in part, the redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due, have been paid, the authority shall so notify the county assessor and county treasurer and all ad valorem taxes upon taxable real property in such a redevelopment project shall be paid into the funds of the respective public bodies; and

(c) Any interest and penalties due for delinquent taxes shall be paid into the funds of each public body in the same proportion as are all other taxes collected by or for the public body.

(2) The governing body shall not implement any plan containing a provision dividing ad valorem taxes as provided in subsection (1) of this section until such time as the real property in the redevelopment project is within the corporate boundaries of the city.

(3) Notice of the provision dividing ad valorem taxes shall be sent in writing by the authority to the county assessor on or before August 1 of the year of the effective date of

the provision. Failure to satisfy the notice requirement of this section shall result in the taxes for all taxable years affected by the failure to give notice of the effective date of the provision remaining undivided and being paid into the funds for each public body receiving property taxes generated by the property in the redevelopment project. However, the redevelopment project valuation for the remaining division of ad valorem taxes in accordance with subdivisions (1)(a) and (b) of this section shall be the last certified valuation for the taxable year prior to the effective date of the provision to divide the taxes for the remaining portion of the fifteen-year period pursuant to subsection (1) of this section.

Sec. 3. Section 18-2805, Revised Statutes Cumulative Supplement, 2004, is amended to read:

18-2805 (1) At least thirty days prior to the start of the fiscal year of each proprietary function, a proposed proprietary budget statement shall be prepared in writing and filed with the municipal clerk containing the following information:

(a) For the ~~immediate two prior fiscal years~~ immediately preceding fiscal year, the revenue from all sources, the unencumbered cash balance at the beginning and end of the year, the amount received by taxation, and the amount of actual expenditure;

(b) For the current fiscal year, actual and estimated revenue from all sources separately stated as to each such source, the actual unencumbered cash balance available at the beginning of the year, the amount received from taxation, and the amount of actual and estimated expenditure, whichever is applicable;

(c) For the immediately ensuing fiscal year, an estimate of revenue from all sources separately stated as to each such source, the actual or estimated unencumbered cash balance, whichever is applicable, to be available at the beginning of the year, the amounts proposed to be expended during the fiscal year, and the amount of cash reserve based on actual experience of prior years; and

(d) A uniform summary of the proposed budget statement which shall include a total of all funds maintained for the proprietary function.

(2) Such statement shall contain the estimated cash reserve for each fiscal year and shall note whether or not such reserve is encumbered. The cash reserve projections shall be based upon the actual experience of prior years.

(3) Each proprietary budget statement shall be filed on forms prescribed and furnished by the Auditor of Public Accounts following consultation with representatives of such governing bodies as operate proprietary functions subject to the provisions of the Municipal Proprietary Function Act.

Sec. 4. Section 19-4801, Revised Statutes Cumulative Supplement, 2004, is amended to read:

~~19-4801~~ (1) The chief or head official of the fire

department, fire inspectors as may be designated by such chief or head official, or inspectors charged with the enforcement of fire, health, or safety codes and constructional technical codes of a city of the first class, city of the primary class, or city of the metropolitan class shall have the authority, after being trained by a certified law enforcement officer in the policies and procedures for issuance of citations, to issue citations for violations of fire, health, and safety codes and constructional technical codes ~~(1)~~ (a) that constitute infractions or violations of city ordinances, ~~(2)~~ (b) that are violations of the fire, health, or safety code or constructional technical code that the official or inspector issuing the citation is charged with enforcing, and ~~(3)~~ (c) in which the circumstances do not pose a danger to the official or inspector.

(2) If a city of the second class or village has adopted and is enforcing a fire, health, safety, or constructional technical code, the chief or head official of the fire department, fire inspectors designated by such chief or head official, or such inspectors charged with the enforcement of the fire, health, safety, or constructional technical code shall have the authority, after being trained by a certified law enforcement officer in the policies and procedures for issuance of citations, to issue citations for violations of fire, health, safety, or constructional technical codes (a) that constitute infractions or violations of city or village ordinances, (b) that are violations of the fire, health, safety, or constructional technical code that the official or inspector issuing the citation is charged with enforcing, and (c) where the circumstances do not pose a danger to the official or inspector.

(3) A citation issued under this section shall be equivalent to and have the same legal effect as a citation issued in lieu of arrest or continued custody by a peace officer if the citation and procedures utilized meet the requirements of sections 29-422 to 29-429. The citation shall be on the same form prescribed under section 29-423. Failure to appear or comply with a citation issued under this section shall be punishable in the same manner as provided in section 29-426. An official or inspector issuing a citation under this section shall not have authority to take a person into custody or detain a person under this section or section 29-427.

Sec. 5. Section 29-424, Revised Statutes Cumulative Supplement, 2004, is amended to read:

29-424 When a citation is used by a peace officer or when a citation is used by an official or inspector pursuant to section ~~19-4801~~ 4 of this act, he or she shall enter thereon all required information, including the name and address of the cited person, the offense charged, and the time and place the person cited is to appear in court. Unless the person cited requests an earlier date, the time of appearance shall be at least three days

after the issuance of the citation. One copy of the citation shall be delivered to the person cited, and a duplicate thereof shall be signed by such person, giving his or her promise to appear at the time and place stated therein. Such person thereupon shall be released from custody. As soon as practicable, the copy signed by the person cited shall be delivered to the prosecuting attorney.

At least twenty-four hours before the time set for the appearance of the cited person, either the prosecuting attorney or other person authorized by law to issue a complaint for the particular offense shall issue and file a complaint charging such person with an offense or such person shall be released from the obligation to appear as specified. A person cited pursuant to sections 29-422 to 29-429 may waive his or her right to trial. The Supreme Court may prescribe uniform rules for such waivers.

Anyone may use a credit card authorized by the court in which the person is cited as a means of payment of his or her fine and costs.

Sec. 6. Section 31-741, Reissue Revised Statutes of Nebraska, is amended to read:

31-741 ~~For the first eight years after the election of the initial board of trustees pursuant to section 31-735, all~~ All contracts for construction work to be done or materials or equipment purchased, the expense of which is more than ~~ten~~ twenty thousand dollars~~, and after such eight-year period, all contracts for work to be done or materials or equipment purchased, the expense of which is more than fifteen thousand dollars,~~ shall be let to the lowest responsible bidder, upon notice of not less than twenty days, of the terms and conditions of the contract to be let. The board of trustees or the administrator shall have power to reject any and all bids and readvertise for the letting of such work or to negotiate any contract after an unsuccessful public letting.

Sec. 7. Section 35-1207, Reissue Revised Statutes of Nebraska, is amended to read:

35-1207 (1) Any rural or suburban fire protection district or mutual finance organization seeking funds pursuant to the Mutual Finance Assistance Act shall submit an application for funding to the State Treasurer by July 1. ~~or ten days after June 1, 1998, whichever is later.~~ The State Treasurer shall develop the application which requires calculations showing assumed population eligibility under section 35-1205 and the distribution amount under section 35-1206. If the applicant is a mutual finance organization, it shall attach to its first application a copy of the agreement pursuant to section 35-1204 and attach to any subsequent application a copy of an amended agreement or an affidavit stating that the previously submitted agreement is still accurate and effective. Any mutual finance organization making application pursuant to this act shall provide the State Treasurer with such additional financial information as he or she shall

require evidencing the manner in which funds under the control of the organization have been distributed in the prior fiscal year or will be distributed by the organization in future fiscal years and that such funds have been and will be expended consistent with the purposes of the act.

(2) The State Treasurer shall review all applications for eligibility for funds under the act and approve any application which is accurate and demonstrates that the applicant is eligible for funds. On or before August 15, the State Treasurer shall notify the applicant of approval or denial of the application and certify the amount of funds for which an approved applicant is eligible. The decision of the State Treasurer may be appealed as provided in the Administrative Procedure Act.

(3) Funds shall be disbursed by the State Treasurer in two payments which are as nearly equal as possible, to be paid on or before November 1 and May 1. If the Mutual Finance Assistance Fund is insufficient to make all payments to all applicants in the amounts provided in section 35-1206, the State Treasurer shall prorate payments to approved applicants. Funds remaining in the Mutual Finance Assistance Fund on June 1 shall be transferred to the General Fund before July 1.

Sec. 8. Original sections 15-201.02, 31-741, and 35-1207, Reissue Revised Statutes of Nebraska, and sections 18-2147, 18-2805, 19-4801, and 29-424, Revised Statutes Cumulative Supplement, 2004, are repealed.

(Signed) Mike Friend, Chairperson

Agriculture

LEGISLATIVE BILL 1034. Indefinitely postponed.

(Signed) Bob Kremer, Chairperson

GENERAL FILE

LEGISLATIVE BILL 856. The Chambers pending amendment, FA449, found in this day's Journal, was renewed.

SENATOR CUDABACK PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 3 nays, and 24 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 9:

Chambers	Howard	Johnson	Mines	Schimek
Cudaback	Janssen	Landis	Price	

Voting in the negative, 7:

Baker	Flood	Langemeier	Smith
Erdman	Foley	Louden	

Present and not voting, 27:

Aguilar	Combs	Heidemann	Pahls	Stuhr
Beutler	Cornett	Hudkins	Pedersen, Dw.	Synowiecki
Bourne	Cunningham	Jensen	Pederson, D.	Thompson
Brashear	Engel	Kremer	Raikes	
Burling	Fischer	Kruse	Redfield	
Byars	Friend	McDonald	Schrock	

Excused and not voting, 6:

Brown	Kopplin	Stuthman
Connealy	Preister	Wehrbein

The Chambers amendment lost with 9 ayes, 7 nays, 27 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Beutler offered the following amendment:
FA453
Amendment to AM2107
On page 9, line 7, after "means" insert: "a person in charge, as identified by rule and regulation of the Department of Agriculture, of organizing an exotic animal auction or swap meet event, and may include"

The Beutler amendment was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Senator Kremer moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to E & R for review with 41 ayes, 0 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 856A. Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 478. Senator Chambers renewed his pending amendment, FA448, found on page 672.

Pending.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 228. Placed on General File as amended.
Standing Committee amendment to LB 228:
AM1988

1. Strike the original sections and insert the following new sections:

Section 1. Section 79-211, Reissue Revised Statutes of Nebraska, is amended to read:

79-211 The school term shall not be less than (1) one thousand thirty-two instructional hours for elementary grades other than kindergarten, (2) for kindergarten, (a) for school years prior to school year 2009-10, the number of clock hours provided in section 79-212 and (b) for school year 2009-10 and each school year thereafter, one thousand thirty-two instructional hours, and ~~(2)~~ (3) one thousand eighty instructional hours for high school grades in any public school district or private, denominational, or parochial school. If any district which receives twenty percent or more of its total receipts for general fund purposes from federal sources fails to actually receive receipts anticipated at the time of the adoption of the school budget from taxes, state funds, federal funds, tuition, or other sources, the school board or board of education of such district may, at any time during the school year, elect to close all or part of its schools.

Sec. 2. Section 79-212, Reissue Revised Statutes of Nebraska, is amended to read:

79-212 ~~The~~ For school years prior to school year 2009-10, the school board or board of education of any school district offering a kindergarten program shall provide a program of at least four hundred clock hours each school year.

LEGISLATIVE BILL 830. Placed on General File as amended.
Standing Committee amendment to LB 830:
AM2316

1. Strike original section 2.

2. On page 3, line 15, strike "December 10" and insert "March 15"; in line 17 strike "to the Legislative Evaluation Task Force"; and strike beginning with "task" in line 19 through line 22 and insert "Education Committee of the Legislature shall review

the report at a public hearing and report its findings to the Legislature.".

LEGISLATIVE BILL 881. Placed on General File as amended.
Standing Committee amendment to LB 881:
AM2334

1. Strike the original sections and insert the following new sections:

Section 1. Section 79-1110, Reissue Revised Statutes of Nebraska, is amended to read:

79-1110 Sections 79-1110 to 79-1178 and section 3 of this act shall be known and may be cited as the Special Education Act.

Sec. 2. Section 79-1142, Reissue Revised Statutes of Nebraska, is amended to read:

79-1142 (1) Level I services refers to services provided to children with disabilities who require an aggregate of not more than three hours per week of special education services and support services and includes all administrative, diagnostic, consultative, and vocational-adjustment counselor services. Support services means preventive services for children from birth to age twenty-one years and, if the child's twenty-first birthday occurs during the school year, until the end of that school year, not identified or verified as having a disability pursuant to sections 79-1118.01 and 79-1138 but who demonstrate a need for specially designed assistance in order to benefit from the school's general education curriculum. The total allowable reimbursable cost for support services shall not exceed a percentage, established by the State Board of Education, of the school district's or approved cooperative's total allowable reimbursable cost for all special education programs and support services. The percentage established by the State Board of Education for support services shall not exceed ten percent.

(2)(a) For school fiscal years through school fiscal year 2005-06, for special education and support services provided in each school fiscal year, the State Department of Education shall reimburse each school district in the following school fiscal year a pro rata amount determined by the department from appropriations for special education approved by the Legislature and based on allowable excess costs for all special education programs and support services.

~~(2)~~ (b) For school fiscal year 2006-07 and each school fiscal year thereafter, for special education and support services provided in each school fiscal year up to twenty-five thousand dollars for each child with a disability, the State Department of Education shall reimburse each school district in the following school fiscal year a pro rata amount determined by the department from appropriations for special education approved by the Legislature and based on allowable excess costs for all special education programs and support services up to twenty-five thousand

dollars for each child with a disability.

(3) Cooperatives of school districts or educational service units shall also be eligible for reimbursement for cooperative programs pursuant to this section if such cooperatives or educational service units have complied with the reporting and approval requirements of section 79-1155 for cooperative programs which were offered the preceding year. The payments shall be made by the department to the school district of residence, cooperative of school districts, or educational service unit each year in a minimum of seven payments between the fifth and twentieth day of each month beginning in December. Additional payments may be made based upon additional valid claims submitted. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The director shall, upon receiving such certification, draw warrants against funds appropriated.

Sec. 3. (1) For school fiscal year 2006-07 and each school fiscal year thereafter, for any child with a disability for whom the allowable excess costs for special education and support services exceed twenty-five thousand dollars, the State Department of Education shall reimburse the school district in the following school fiscal year from funds appropriated to carry out this section in an amount equal to eighty-five percent of the difference of the allowable excess costs for special education and support services for such child minus twenty-five thousand dollars. The department shall establish application procedures for reimbursements pursuant to this section which may include requirements to notify the department in advance that a district may be requesting reimbursements pursuant to this section.

(2) A cooperative of school districts or an educational service unit shall also be eligible for reimbursement pursuant to this section for cooperative programs if such cooperative of school districts or educational service unit has complied with the reporting and approval requirements of section 79-1155 for cooperative programs which were offered the preceding year. The payment shall be made pursuant to payment procedures established by the department to the school district of residence, cooperative of school districts, or educational service unit each year.

Sec. 4. Original sections 79-1110 and 79-1142, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Ron Raikes, Chairperson

ANNOUNCEMENTS

Senator Synowiecki designates LB 1086 as his priority bill.

Senator Erdman designates LB 821 as his priority bill.

Senator Brashear designates LB 1256 as his priority bill.

Senator Kremer designates LB 531 as his priority bill.

Senator Heidemann designates LB 960 as his priority bill.

Senator Bourne designates LB 1006 as his priority bill.

Senator Foley designates LB 65 as his priority bill.

UNANIMOUS CONSENT - Add Cointroducer

Senator Combs asked unanimous consent to add her name as cointroducer to LB 856. No objections. So ordered.

VISITORS

Visitors to the Chamber were a group from Blair; and Senator Jensen's son, daughter-in-law, and grandchildren, Joel, Christa, Anna, Abby, Luke, and Kate Jensen, and Chris, Natalie, Brook, Ashley, Bradley, and Andrew Conrad from Omaha.

The Doctor of the Day was Dr. Carol LaCroix from Omaha.

ADJOURNMENT

At 12:00 p.m., on a motion by Senator McDonald, the Legislature adjourned until 10:00 a.m., Tuesday, February 21, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 21, 2006

PRAYER

The prayer was offered by Pastor Harry Riggs II, First Baptist Church, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Landis who was excused; and Senators Combs, Cornett, Erdman, Heidemann, and Mines who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1019. Placed on Select File as amended.
(E & R amendment, AM7163, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 188. Placed on Select File as amended.
E & R amendment to LB 188:
AM7164
1. On page 1, strike beginning with "32-1603" in line 2 through "Nebraska" in line 5 and insert "32-1602, 32-1604, 32-1604.01, 32-1606, 32-1607, 32-1608, 32-1608.01, 32-1608.03, 32-1612, 49-1463, and 49-14,126, Reissue Revised Statutes of Nebraska, and sections 32-1603, 49-1446.04, 49-1463.01, 49-14,124, and 49-14,125, Revised Statutes Supplement, 2005".

Correctly Engrossed

The following bills were correctly engrossed: LBs 778, 887, and 1007.

ER9067

Enrollment and Review Change to LB 778

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7155:

a. Section 28 has been renumbered as section 31 and the remaining sections renumbered accordingly;

b. On page 15, lines 18 and 19, "16 and 37" and all amendments thereto have been struck and "31, 37, and 49" inserted;

c. On page 16, line 18, "section 16" and all amendments thereto have been struck and "sections 31 and 37" inserted;

d. On page 23, line 1, the stricken semicolon has been reinstated;

e. On page 27, line 14, the semicolon has been struck and shown as stricken;

f. On page 30, line 4, "37" has been struck and "49" inserted;

g. On page 36, line 7, "(e)(i)" has been struck, shown as stricken, and "(e)" inserted;

h. On page 38, line 23; page 45, line 9; and page 52, line 3 "(f)(i)" has been struck, shown as stricken, and "(f)" inserted;

i. On page 44, line 14; and page 51, line 8, the comma has been struck and shown as stricken; and

j. On page 52, line 12, the comma has been struck and an underscored semicolon inserted.

2. On page 1, the matter beginning with "76-2201" in line 2 through "76-2226" in line 7 has been struck and "76-1908, 76-1909, 76-1910, 76-2201, 76-2202, 76-2203, 76-2204, 76-2205, 76-2205.01, 76-2206, 76-2207, 76-2208, 76-2209, 76-2210, 76-2210.01, 76-2210.02, 76-2211, 76-2211.01, 76-2211.02, 76-2212, 76-2213, 76-2214, 76-2215, 76-2216, 76-2217, 76-2217.01, 76-2218, 76-2218.01, 76-2219, 76-2220, 76-2222, 76-2223, 76-2224, 76-2225, 76-2226, 76-2227" inserted.

3. On page 2, line 1, "to rename the Real Estate Appraiser Act and a board;" has been inserted after the first semicolon and "appraisals and" has been inserted after the last "to".

ER9066

Enrollment and Review Change to LB 1007

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Baker amendment, AM2277, on page 2, line 12, "subsection" has been struck and "subdivision" inserted.

2. On page 1, line 1, "federal transportation regulations" has been struck and "government regulation" inserted; and in line 10 "to prohibit certain exculpatory clauses in motor carrier transportation contracts as prescribed;" has been inserted after the second semicolon.

3. On page 9, line 10, "exist" has been struck, shown as stricken, and "existed" inserted.

4. On page 13, line 15, "49 C.F.R." has been inserted after "of".

5. On page 30, line 12, "and this section" has been inserted after "75-369.07".

6. On page 35, line 23, "this" has been inserted after "and" and "5 of this act" and all amendments thereto have been struck.

(Signed) Michael Flood, Chairperson

STANDING COMMITTEE REPORTS
Transportation and Telecommunications

LEGISLATIVE BILL 861. Placed on General File as amended.
Standing Committee amendment to LB 861:
AM2340

1. Strike original sections 2 and 3 and insert the following new sections:

Sec. 2. Section 60-3,104, Revised Statutes Supplement, 2005, is amended to read:

60-3,104 The department shall issue the following types of license plates:

(1) Amateur radio station license plates issued pursuant to section 60-3,126;

(2) Boat dealer license plates issued pursuant to section 60-379;

(3) Bus license plates issued pursuant to section 60-3,144;

(4) Commercial truck and truck-tractor license plates issued pursuant to section 60-3,147;

(5) Dealer or manufacturer license plates issued pursuant to sections 60-3,114 and 60-3,115;

(6) Disabled veteran license plates issued pursuant to section 60-3,124;

(7) Farm trailer license plates issued pursuant to section 60-3,151;

(8) Farm truck license plates issued pursuant to section 60-3,146;

(9) Farm trucks with a gross weight of over sixteen tons license plates issued pursuant to section 60-3,146;

(10) Fertilizer trailer license plates issued pursuant to section 60-3,151;

(11) Film vehicle license plates issued pursuant to section 60-383;

(12) Fleets of apportionable commercial vehicles license plates issued pursuant to section 60-3,203;

(13) Handicapped or disabled person license plates issued pursuant to section 60-3,113;

(14) Historical vehicle license plates issued pursuant to sections 60-3,130 to 60-3,134;

(15) Local truck license plates issued pursuant to section 60-3,145;

(16) Motor vehicle license plates for motor vehicles owned or operated by the state, counties, municipalities, or school districts issued pursuant to section 60-3,105;

(17) Motor vehicles exempt pursuant to section 60-3,107;

(18) Motorcycle license plates issued pursuant to section 60-3,100;

(19) Nebraska Cornhusker Spirit Plates issued pursuant to sections 60-3,127 to 60-3,129;

~~(20) Nonresident owner thirty-day license plates issued pursuant to section 60-382;~~

~~(21)~~ (20) Passenger car having a seating capacity of ten persons or less and not used for hire issued pursuant to section 60-3,100;

~~(22)~~ (21) Passenger car having a seating capacity of ten persons or less and used for hire issued pursuant to section 60-3,100;

~~(23)~~ (22) Pearl Harbor license plates issued pursuant to section 60-3,122;

~~(24)~~ (23) Personal-use dealer license plates issued pursuant to section 60-3,116;

~~(25)~~ (24) Personalized message license plates for motor vehicles and cabin trailers, except commercial trucks registered for over ten tons gross weight, issued pursuant to sections 60-3,118 to 60-3,121;

~~(26)~~ (25) Prisoner-of-war license plates issued pursuant to section 60-3,123;

~~(27)~~ (26) Purple Heart license plates issued pursuant to section 60-3,125;

~~(28)~~ (27) Recreational vehicle license plates issued pursuant to section 60-3,151;

~~(29)~~ (28) Repossession license plates issued pursuant to section 60-375;

(29) Thirty-day license plates issued pursuant to section 60-382 or section 3 of this act;

(30) Trailer license plates issued for trailers owned or operated by the state, counties, municipalities, or school districts issued pursuant to section 60-3,106;

(31) Trailer license plates issued pursuant to section 60-3,100;

(32) Trailers exempt pursuant to section 60-3,108;

(33) Transporter license plates issued pursuant to section 60-378;

(34) Trucks or combinations of trucks, truck-tractors or trailers which are not for hire and engaged in soil and water conservation work and used for the purpose of transporting pipe and equipment exclusively used by such contractors for soil and water conservation construction license plates issued pursuant to section 60-3,149;

(35) Utility trailer license plates issued pursuant to

section 60-3,151; and

(36) Well-boring apparatus and well-servicing equipment license plates issued pursuant to section 60-3,109.

Sec. 3. (1) Any resident of this state who is the owner of a motor vehicle or trailer required to be registered in this state may apply for and obtain thirty-day license plates which allow such person to operate such motor vehicle or tow such trailer on the highways of this state while in Nebraska on leave from military service.

(2) An application for such thirty-day license plates shall be made to the county treasurer or designated county official of the county in which such motor vehicle or trailer has situs. The license plates shall be valid for a period of thirty days and shall be attached in the same manner as regular license plates. The fees and taxes shall be equivalent to one-twelfth of the annual registration fee, motor vehicle fee, and motor vehicle taxes for the type of motor vehicle or trailer being registered. Such fees and taxes shall be collected and distributed in the same manner as other motor vehicle fees and taxes. Upon receipt of such application, presentation of military orders showing his or her temporary leave status, and payment of the fees and taxes, the county treasurer or designated county official shall issue such license plates to such applicant.

(3) Thirty-day license plates issued under this section shall be the same size and of the same basic design as regular license plates issued pursuant to section 60-3,100. The department shall design the plates.

(4) The application shall include an affidavit that the motor vehicle or trailer is not being operated or towed on the highways of this state during any other portion of the registration period. A person who is cited for a violation of section 60-362 shall not be eligible for thirty-day license plates under this section for one year after the issuance of the citation.

Sec. 5. Section 60-3,165, Revised Statutes Supplement, 2005, is amended to read:

60-3,165 If a citation is issued to an owner or operator of a motor vehicle or trailer for a violation of section 60-362 and the owner properly registers and licenses the motor vehicle or trailer not in compliance and pays all taxes and fees due and the owner or operator provides proof of such registration to the prosecuting attorney within ten days after the issuance of the citation, no prosecution for the offense cited shall occur. A person issued such a citation shall not be eligible for thirty-day license plates under section 3 of this act for one year after the issuance of such citation.

2. Renumber the remaining sections and correct the repealer accordingly.

(Signed) Tom Baker, Chairperson

Natural Resources

LEGISLATIVE BILL 848. Placed on General File.

(Signed) Ed Schrock, Chairperson

MOTION - Approve Appointment

Senator Raikes moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 684:
Coordinating Commission for Postsecondary Education
Marilyn Harris

Voting in the affirmative, 36:

Aguilar	Cunningham	Jensen	Pederson, D.	Stuthman
Baker	Engel	Kopplin	Preister	Synowiecki
Bourne	Fischer	Kruse	Price	Thompson
Brown	Foley	Langemeier	Raikes	Wehrbein
Burling	Friend	Louden	Redfield	
Byars	Howard	McDonald	Schrock	
Connealy	Hudkins	Pahls	Smith	
Cudaback	Janssen	Pedersen, Dw.	Stuhr	

Voting in the negative, 0.

Present and not voting, 6:

Beutler	Flood	Kremer
Chambers	Johnson	Schimek

Excused and not voting, 7:

Brashear	Cornett	Heidemann	Mines
Combs	Erdman	Landis	

The appointment was confirmed with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 996. E & R amendment, AM7159, found on page 623, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 996A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 173. E & R amendment, AM7162, found on page 653, was adopted.

Senator Hudkins offered the following amendment:
AM2354

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 69-1301, Reissue Revised Statutes of Nebraska, is amended to read:

69-1301 As used in the Uniform Disposition of Unclaimed Property Act unless the context otherwise requires:

(a) Banking organization means any bank, trust company, savings bank, industrial bank, land bank, or safe deposit company.

(b) Business association means any corporation, ~~(other than a public corporation),~~ joint-stock company, business trust, partnership, limited liability company, or association for business purposes of two or more individuals, but does not include a public corporation.

(c) Financial organization means any savings and loan association, building and loan association, credit union, cooperative bank, or investment company, ~~engaged in~~ doing business in this state.

(d) General-use prepaid card means a plastic card or other electronic payment device usable with multiple, unaffiliated sellers of goods or services.

~~(d)~~ (e) Holder means any person in possession of property subject to the act belonging to another, or who is trustee in case of a trust, or is indebted to another on an obligation subject to the act.

~~(e)~~ (f) Life insurance corporation means any association or corporation transacting within this state the business of insurance on the lives of persons or insurance appertaining thereto, including, but not ~~by way of limitation~~ limited to, endowments and annuities.

~~(f)~~ (g) Owner means a depositor in case of a deposit, a beneficiary in case of a trust, a creditor, claimant, or payee in case of other choses in action, or any person having a legal or equitable interest in property subject to the act, or his or her legal representative.

~~(g)~~ (h) Person means any individual, business association, governmental or political subdivision, public corporation, public authority, estate, trust, two or more persons having a joint or common interest, or any other legal or commercial entity.

~~(h)~~ (i) Utility means any person who owns or operates within this state, for public use, any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of

electricity, water, steam, or gas.

Sec. 2. Section 69-1305.02, Reissue Revised Statutes of Nebraska, is amended to read:

69-1305.02 ~~(a)~~ A ~~gift certificate or a~~ credit memo that remains unredeemed for more than three years after issuance is presumed abandoned~~. and(b) In the case of a gift certificate, the amount presumed abandoned is the face amount of the certificate itself. In the case of a credit memo,~~ the amount presumed abandoned is the amount credited, as shown on the memo itself.

Sec. 3. (a) A gift certificate or gift card which has a face value of less than one hundred dollars and is not assessed any fees and does not have an expiration date shall not be presumed to be abandoned.

(b) A gift certificate or gift card which has a face value of one hundred dollars or more which is unredeemed for a period of three years from the date of issuance shall be presumed abandoned.

(c) A gift certificate or gift card which contains an expiration date or requires any type of post-sale finance charge or fee which is unredeemed for a period of three years from the date of issuance shall be presumed abandoned.

(d) A gift certificate or gift card issued prior to November 2, 2006, with a face value of less than one hundred dollars and which contains an expiration date or requires any type of post-sale finance charge or fee, and has not been redeemed shall not be presumed abandoned if the issuer's policy and practice as of July 1, 2006, is to waive all post-sale charges or fees and to honor such gift certificate or gift card, at no additional cost to the holder whenever presented at full face value or the value remaining after any applicable purchases, expiration date notwithstanding. A written notice of such policy and practice shall be posted conspicuously by July 1, 2006, in not smaller than ten-point type, at each site in all Nebraska locations at which the issuer distributes or redeems a gift certificate or gift card.

(e) In the case of a gift certificate or gift card, the amount presumed abandoned is the face amount of the certificate or card itself, less the total amount of any applicable purchases and fees.

(f) A gift certificate or gift card subject to a fee shall contain a statement clearly and conspicuously printed on it stating whether there is a fee, the amount of the fee, how often the fee will occur, that the fee is triggered by inactivity of the gift certificate or gift card, and when the fee will be assessed. The statement may appear on the front or back of the gift certificate or gift card in a location where it is visible to a purchaser prior to the purchase.

(g) A gift certificate or gift card subject to an expiration date shall contain a statement clearly and conspicuously printed on the gift certificate or gift card stating the expiration

date. The statement may appear on the front or back of the gift certificate or gift card in a location where it is visible to a purchaser prior to the purchase.

(h) This section does not apply to a general-use prepaid card.

Sec. 4. Section 69-1308, Reissue Revised Statutes of Nebraska, is amended to read:

69-1308 ~~All~~ (a) Except as provided in subsection (b) of this section, all intangible personal property, not otherwise covered by the Uniform Disposition of Unclaimed Property Act, including any income or increment thereon ~~and~~ after deducting any lawful charges, that is held or owing in this state in the ordinary course of the holder's business and has remained unclaimed by the owner for more than five years after it became payable or distributable, is presumed abandoned.

(b) The unredeemed value of a general-use prepaid card, including any income or increment thereon after deducting any lawful charges, that is held or owing in this state in the ordinary course of the holder's business and has remained unclaimed by the owner for more than five years after the last transaction initiated by the card owner is presumed abandoned.

Sec. 5. Section 69-1329, Reissue Revised Statutes of Nebraska, is amended to read:

69-1329 Sections 69-1301 to 69-1329 and section 3 of this act shall be known and may be cited as the Uniform Disposition of Unclaimed Property Act.

Sec. 6. This act becomes operative on November 2, 2006.

Sec. 7. Original sections 69-1301, 69-1305.02, 69-1308, and 69-1329, Reissue Revised Statutes of Nebraska, are repealed.

The Hudkins amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 853. E & R amendment, AM7161, printed separately and referred to on page 653, was adopted.

Senator Chambers reoffered his amendment, FA442, found on page 620.

The Chambers amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Senator Baker offered the following amendment:
AM2348

(Amendments to E & R amendments, AM7161)

1. Strike sections 13 and 14 and insert the following new section:

Sec. 13. Sections 60-462.01 and 60-4,132 to 60-4,172

shall not apply to individuals who operate commercial motor vehicles for military purposes, including:

(1) Active duty military personnel;

(2) Members of the military reserves, other than military technicians;

(3) Active duty United States Coast Guard personnel; and

(4) Members of the National Guard on active duty, including:

(a) Personnel on full-time National Guard duty;

(b) Personnel on part-time National Guard training; and

(c) National Guard military technicians required to wear military uniforms.

2. On page 2, line 20, strike "immediately", show as stricken, and insert ", within three business days,"; and strike beginning with "forthwith" in line 23 through line 27, show the old matter as stricken, and insert "notify the Nebraska State Patrol that any such person is in violation of this section.".

3. On page 6, line 8, strike "immediately" and insert ", within three business days,"; in line 9 after "department" insert "as provided in this section"; and strike beginning with "forthwith" in line 11 through line 15 and insert "notify the Nebraska State Patrol that any such person is in violation of this section.".

4. On page 18, line 26, strike "immediately" and insert ", within three business days,".

5. On page 19, strike beginning with "forthwith" in line 2 through line 6 and insert "notify the Nebraska State Patrol that any such person is in violation of this section.".

6. Renumber the remaining sections and correct internal references, operative date section, and repealer section accordingly.

Senator Beutler offered the following amendment to the Baker pending amendment:
FA479
Amendment to AM2348
On page 1, line 6 after "including" insert "and limited to"

The Beutler amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Senator Beutler offered the following amendment to the Baker pending amendment:
FA480
Amendment to AM2348
After line 15, on page 1 add "Such individuals must have a valid military driver's license unless such individual is operating the vehicle in an emergency declared by the federal government or by the State of Nebraska.

Pending.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 922. Indefinitely postponed.
LEGISLATIVE BILL 923. Indefinitely postponed.
LEGISLATIVE BILL 1015. Indefinitely postponed.
LEGISLATIVE BILL 1025. Indefinitely postponed.
LEGISLATIVE BILL 1145. Indefinitely postponed.
LEGISLATIVE BILL 1192. Indefinitely postponed.
LEGISLATIVE BILL 1219. Indefinitely postponed.
LEGISLATIVE BILL 1228. Indefinitely postponed.
LEGISLATIVE BILL 1229. Indefinitely postponed.

(Signed) Don Pederson, Chairperson

Judiciary

LEGISLATIVE BILL 824. Placed on General File.
LEGISLATIVE BILL 826. Placed on General File.
LEGISLATIVE BILL 1040. Placed on General File.
LEGISLATIVE BILL 1133. Placed on General File.
LEGISLATIVE BILL 1135. Placed on General File.
LEGISLATIVE BILL 1137. Placed on General File.

LEGISLATIVE BILL 770. Placed on General File as amended.
Standing Committee amendment to LB 770:
AM2253

1. On page 2, line 23, after the stricken period insert "The court may inquire into the well-being of the foster child by asking questions of the foster parent, preadoptive parent, or relative providing care for the child.".

LEGISLATIVE BILL 802. Placed on General File as amended.
Standing Committee amendment to LB 802:
AM1928

1. Insert the following new sections:

Sec. 3. Section 71-601.01, Revised Statutes Supplement, 2005, is amended to read:

71-601.01 For purposes of the Vital Statistics Act:

(1) Abstract of marriage means a certified document that summarizes the facts of marriage, including, but not limited to, the name of the bride and groom, the date of the marriage, the place of the marriage, and the name of the office filing the original marriage license. An abstract of marriage does not include signatures;

(2) Certificate means the record of a vital event;

~~(2)~~ (3) Certification means the process of recording,

filing, amending, or preserving a certificate, which process may be by any means, including, but not limited to, microfilm, electronic, imaging, photographic, typewritten, or other means designated by the department; and

~~(3)~~ (4) Department means the Department of Health and Human Services Finance and Support.

Sec. 6. This act becomes operative on January 1, 2007.

2. On page 2, line 7; and page 3, line 1, after "marriage" insert "as defined in section 71-601.01".

3. On page 8, line 3, strike the first "and"; and in line 4 before "are" insert "and section 71-601.01, Revised Statutes Supplement, 2005,".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 825. Placed on General File as amended.
Standing Committee amendment to LB 825:
AM1982

1. On page 7, line 3, after the comma insert "a school district employee,".

LEGISLATIVE BILL 1115. Placed on General File as amended.
(Standing Committee amendment, AM2038, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 1136. Placed on General File as amended.
Standing Committee amendment to LB 1136:
AM2187

1. On page 5, line 7, strike "The" and insert "Upon remand the"; and in line 11 after the period insert "The court shall retain jurisdiction and complete its review upon receipt of the additional evidence, modifications, new findings, or decisions of the agency.".

(Signed) Patrick J. Bourne, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 898. Placed on General File as amended.
(Standing Committee amendment, AM2116, is printed separately and available in the Bill Room, Room 1104.)

(Signed) DiAnna R. Schimek, Chairperson

Appropriations

LEGISLATIVE BILL 1207. Placed on General File as amended.
Standing Committee amendment to LB 1207:
AM2345

1. Strike the original sections and insert the following new sections:

Section 1. The Nebraska Commission on Law Enforcement and Criminal Justice shall award grants for methamphetamine abuse prevention and education programs on a competitive basis to local or private nonprofit agencies. Such agencies may apply for grants on forms developed and provided by the commission in cooperation with the Community Corrections Council. The application shall include, but not be limited to, the name of the local or private nonprofit agency, a description of the proposed program's services, target population, and location, the program's budget, an estimate of other funds available to fund the program, and such other information as the commission deems necessary. The commission may award grants to one or more applicants on the basis of criteria developed by the commission which shall include, but need not be limited to, need for seed funding and operational funding, research, ability to measure and quantify the results of the program, the program's potential for success, and such other criteria as the commission deems appropriate.

Sec. 2. It is the intent of the Legislature to appropriate two hundred thousand dollars from the General Fund for fiscal year 2006-07 to the Nebraska Commission on Law Enforcement and Criminal Justice to carry out section 1 of this act.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.

(Signed) Don Pederson, Chairperson

MOTION - Suspend Rules

Senator Brashear offered the following motion:
To suspend Rule 5, Section 6(b) to permit the Legislature to take action on bills placed on Consent Calendar on Wednesday, February 22, 2006, with less than 24 hours notice on the agenda.

The Brashear motion to suspend the rules prevailed with 34 ayes, 2 nays, 11 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 872. Senator Beutler withdrew his pending amendment, AM2281, found on page 670.

Senator Schrock offered the following amendment:
AM2353

1. On page 11, line 11; and page 23, lines 17 and 18, strike "emissions trading programs" and insert "any emissions trading programs as defined by the department".

The Schrock amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

SPEAKER BRASHEAR PRESIDING

Pending.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 288 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 288.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 158. Placed on General File as amended.
Standing Committee amendment to LB 158:
AM2342

1. Strike the original sections and insert the following new sections:

Section 1. Section 71-3305, Reissue Revised Statutes of Nebraska, is amended to read:

71-3305 ~~(1)~~ Except as otherwise provided in ~~subsection (2) of~~ this section, any political subdivision as defined in section 13-702, other than a village, that provides the water supply ~~of any city or village~~ for human consumption for any city shall add fluoride to such water supply in the amount and manner prescribed by the rules and regulations of the Department of Health and Human Services Regulation and Licensure. In any such city in which fluoride is not added to the water supply on the effective date of this act, the voters may, after the effective date of this act but before January 1, 2009, adopt an ordinance by initiative under sections 18-2501 to 18-2538 to prohibit the adding of fluoride to its water supply.

~~(2) Fluoride shall not be added to the water supply of any city or village in which the voters have, after September 2, 1973, adopted an ordinance by initiative prohibiting the adding of fluoride to its water supply. The procedure for the adoption of any such ordinance shall be that provided in sections 18-2501 to 18-2536. No such ordinance may be adopted in a city or village receiving, or which has contracted to receive, its water supply, or any part thereof, from another political subdivision, or public or private entity, which adds fluoride to its water supply in compliance with subsection (1) of this section, or section 71-3306,~~

~~or which has available only purchased fluoridated water with which to supply such city or village.~~

2. Original section 71-3305, Reissue Revised Statutes of Nebraska, is repealed.

LEGISLATIVE BILL 844. Placed on General File as amended.
Standing Committee amendment to LB 844:
AM2328

1. Strike the original sections and insert the following new sections:

Section 1. Section 81-3007.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-3007.01 (1) The departments are authorized to adopt and promulgate rules and regulations which prescribe standards and procedures for access to and security of confidential information among the departments, within each department, and with the ~~Policy Secretary~~ system chief administrative officer appointed under section 81-3008. These include standards for collection, maintenance, and use of information in electronic or other storage media. Procedures for disclosure of confidential information among the departments and with the ~~Policy Secretary~~ system chief administrative officer shall include a determination by the Policy Cabinet or its designees on whether confidential information should be shared among the departments and with the ~~Policy Secretary~~ system chief administrative officer. Such determinations may take the form of interagency agreements. In making the determination, the following factors shall be considered:

(a) The law governing the confidentiality of the information and the original purpose for which the information was collected;

(b) The potential for harm to an individual if the disclosure is made;

(c) Whether the disclosure will enhance the coordination of policy development, service provision, eligibility determination, program management, quality assurance, or financial and support services;

(d) Whether the information is a trade secret, academic or scientific research work which is in progress and unpublished, or other proprietary or commercial information;

(e) Any limitations placed on the use of the information by the original source of the information;

(f) Whether the proposed use is for a bona fide research project or study, the procedures and methodology of which meet the standards for research in the particular body of knowledge;

(g) The security of the information, including the scope of access, ongoing security, publication, and disposal of the information at the end of its use;

(h) The degree to which aggregate or summary data may identify an individual whose privacy would otherwise be protected;

and

(i) Whether such information constitutes criminal intelligence information maintained by correctional or law enforcement authorities.

(2) Otherwise confidential information may be disclosed among the departments and with the ~~Policy Secretary~~ system chief administrative officer pursuant to subsection (1) of this section if not expressly prohibited by law. Such disclosure shall not be considered a public disclosure or make the record a public record. Any further disclosure may be made only if permitted by law or department policy governing the originating department.

The departments and the ~~Policy Secretary~~ system chief administrative officer shall observe confidentiality of human resources information and employment records, except that the departments shall act and be considered to be one department for purposes of human resources issues, employment records, and related matters.

(3) All officials and employees shall be informed regarding laws, rules and regulations, and policies governing confidential information and acknowledge receipt of that information.

Sec. 2. Section 81-3008, Revised Statutes Cumulative Supplement, 2004, is amended to read:

81-3008 (1) The Governor shall appoint a ~~Policy Secretary~~ chief administrative officer for the Nebraska Health and Human Services System to report to the Governor and to serve full time at the pleasure of the Governor. The ~~Policy Secretary~~ chief administrative officer shall be subject to confirmation by a majority vote of the members of the Legislature.

(2) The ~~Policy Secretary~~ chief administrative officer shall:

(a) Encourage and direct initiatives and collaboration in the system;

(b) Facilitate joint planning initiatives in the system;

(c) Coordinate budget, research, and data collection efforts to insure effectiveness of the system;

(d) Ensure that the Appropriations Committee of the Legislature is provided any information the committee requires to make funding determinations and budget recommendations to the Legislature, including, but not limited to, specific program budgets, internal budget requests, fiscal reports, and appearances by department, division, program, and subprogram directors before the committee to present department, division, program, and subprogram budget requests; and

(e) Recommend to the Legislature and the Governor legislation he or she deems necessary or appropriate.

~~(2) On and after January 1, 2007, the Governor may also designate the Policy Secretary to serve as the chief administrative officer for the Nebraska Health and Human Services System.~~

Sec. 3. Section 81-3009, Revised Statutes Cumulative Supplement, 2004, is amended to read:

81-3009 The directors of the departments, the ~~Policy Secretary~~ system chief administrative officer appointed under section 81-3008, and the chief medical officer, if one is appointed under section 81-3201, shall be known as the Policy Cabinet of the Nebraska Health and Human Services System. Any reference to the Policy Cabinet in the Nebraska Health and Human Services System Act shall be to such persons. The Policy Cabinet shall work to achieve policy outcomes through development of policy objectives and strategic plans, to prepare and recommend budgets, to develop and establish consistent priorities and policies for allocation and distribution of resources, and to integrate and improve services and programs administered by the system. The ~~Policy Secretary~~ system chief administrative officer shall serve as the chairperson of the Policy Cabinet.

Sec. 4. This act becomes operative on January 1, 2007.

Sec. 5. Original section 81-3007.01, Reissue Revised Statutes of Nebraska, and sections 81-3008 and 81-3009, Revised Statutes Cumulative Supplement, 2004, are repealed.

LEGISLATIVE BILL 1242. Placed on General File as amended.
Standing Committee amendment to LB 1242:
AM2203

1. Strike the original sections and insert the following new sections:

Section 1. (1) The Department of Health and Human Services Regulation and Licensure may contract with local public health departments, federally qualified health centers, certified rural health clinics, general acute hospitals, critical access hospitals, Indian health services facilities, public health clinics, and private health care providers to provide the following services to patients whose family income is equal to or less than two hundred fifty percent of the federal Office of Management and Budget income poverty guideline: (a) Pap smears, colposcopy, cervical biopsy, cryotherapy, loop electrosurgical excision procedure (LEEP), and such other treatments and procedures as may be developed to follow up on abnormal pap smears; and (b) the diagnosis and treatment of sexually transmitted diseases, including, but not limited to, chlamydia, gonorrhea, human papilloma virus (genital warts), and herpes.

(2) Funding provided for this program shall not be used for any other purpose.

(3) The department may prioritize applications for contracts with a preference for local public health departments and federally qualified health centers. The department shall select sufficient providers so that the services described in this section are available throughout the state. The department may contract with a provider who provides some but not all of the services

described in this section if necessary to provide for availability of such services.

Sec. 2. It is the intent of the Legislature that $519,841 appropriated for FY2006-07, in Laws 2005, LB 425, section 118, for Program 514, shall be utilized to carry out the provisions of section 1 of this act.

LEGISLATIVE BILL 1254. Placed on General File as amended.
Standing Committee amendment to LB 1254:
AM2336

1. On page 3, line 4, strike "independently".

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Ronald Balthazor - Board of Emergency Medical Services
Bruce Beins - Board of Emergency Medical Services
John W. Doyle - Board of Emergency Medical Services
Dan Hakel - Board of Emergency Medical Services
Val Snyder - Board of Emergency Medical Services
George Tom Surber - Board of Emergency Medical Services

VOTE: Aye: Senators Jensen, Byars, Cunningham, Erdman, Johnson, Stuthman and Howard. Nay: None. Absent: None.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Jennie Cole-Mossman - Child Abuse Prevention Fund Board
Angela Wagner - Child Abuse Prevention Fund Board

VOTE: Aye: Senators Jensen, Byars, Cunningham, Erdman, Johnson, Stuthman and Howard. Nay: None. Absent: None.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Linda Broderick - State Foster Care Review Board
Larry Brown - State Foster Care Review Board
James Gordon - State Foster Care Review Board
Gene Klein - State Foster Care Review Board
Joellen McGinn - State Foster Care Review Board
Judy Meter - State Foster Care Review Board
Mary Jo Pankoke - State Foster Care Review Board
Mario Scalora - State Foster Care Review Board
Gerald Schenck - State Foster Care Review Board

Georgina Scurfield - State Foster Care Review Board
Burrell Williams - State Foster Care Review Board

VOTE: Aye: Senators Jensen, Byars, Cunningham, Erdman, Johnson, Stuthman and Howard. Nay: None. Absent: None.

(Signed) Jim Jensen, Chairperson

ANNOUNCEMENT

Speaker Brashear designates LBs 79, 180, 269, 584, 654, 746, 773, 817, 854, 891, 934, 935, 938, 997, 1038, 1039, 1079, 1088, 1148, 1189, 1216, 1235, and LRs 272CA, 274CA, and 275CA as Speaker priority bills and resolutions.

AMENDMENTS - Print in Journal

Senator Cunningham filed the following amendment to LB 853:
AM2296

(Amendments to E & R amendments, AM7161)

1. Insert the following new sections:

Sec. 15. Section 60-601, Reissue Revised Statutes of Nebraska, is amended to read:

60-601 Sections 60-601 to 60-6,377 and section 17 of this act shall be known and may be cited as the Nebraska Rules of the Road.

Sec. 16. Section 60-605, Reissue Revised Statutes of Nebraska, is amended to read:

60-605 For purposes of the Nebraska Rules of the Road, the definitions found in sections 60-606 to 60-676 and section 17 of this act shall be used.

Sec. 17. Property-carrying unit shall mean any part of a commercial motor vehicle combination, except the truck-tractor, used to carry property and shall include trailers and semitrailers.

Sec. 20. Section 60-6,290, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,290 (1)(a) No vehicle shall exceed a length of forty feet, extreme overall dimensions, inclusive of front and rear bumpers including load, except that:

(i) A bus or a motor home, as defined in section 71-4603, may exceed the forty-foot limitation but shall not exceed a length of forty-five feet;

(ii) A truck-tractor may exceed the forty-foot limitation;

(iii) A semitrailer operating in a truck-tractor single semitrailer combination, which semitrailer was actually and lawfully operating in the State of Nebraska on December 1, 1982,

may exceed the forty-foot limitation; and

(iv) A semitrailer operating in a truck-tractor single semitrailer combination, which semitrailer was not actually and lawfully operating in the State of Nebraska on December 1, 1982, may exceed the forty-foot limitation but shall not exceed a length of fifty-three feet including load.

(b) No combination of vehicles shall exceed a length of sixty-five feet, extreme overall dimensions, inclusive of front and rear bumpers and including load, except:

(i) One truck and one trailer, loaded or unloaded, used in transporting implements of husbandry to be engaged in harvesting, while being transported into or through the state during daylight hours if the total length does not exceed seventy-five feet including load;

(ii) A truck-tractor single semitrailer combination;

(iii) A truck-tractor semitrailer trailer combination, but the semitrailer trailer portion of such combination shall not exceed sixty-five feet inclusive of connective devices; and

(iv) A driveaway saddlemount vehicle transporter combination and driveaway saddlemount with fullmount vehicle transporter combination, but the total overall length shall not exceed ~~seventy-five~~ ninety-seven feet.

(c) A truck shall be construed to be one vehicle for the purpose of determining length.

(d) A trailer shall be construed to be one vehicle for the purpose of determining length.

(2) Subsection (1) of this section shall not apply to:

(a) Extra-long vehicles which have been issued a permit pursuant to section 60-6,292;

(b) Vehicles which have been issued a permit pursuant to section 60-6,299;

(c) The temporary moving of farm machinery during daylight hours in the normal course of farm operations;

(d) The movement of unbaled livestock forage vehicles, loaded or unloaded;

(e) The movement of public utility or other construction and maintenance material and equipment at any time;

(f) Farm equipment dealers hauling, driving, delivering, or picking up farm equipment or implements of husbandry within the county in which the dealer maintains his or her place of business, or in any adjoining county or counties, and return;

(g) The overhang of any motor vehicle being hauled upon any lawful combination of vehicles, but such overhang shall not exceed the distance from the rear axle of the hauled motor vehicle to the closest bumper thereof;

(h) The overhang of a combine to be engaged in harvesting, while being transported into or through the state driven during daylight hours by a truck-tractor semitrailer combination, but the length of the semitrailer, including overhang,

shall not exceed sixty-three feet and the maximum semitrailer length shall not exceed fifty-three feet; ~~or~~

(i) Any rubber-tired crane with a fixed load when the requirements of subdivision (2)(i) of section 60-6,288 are met; or

(j) One truck-tractor two trailer combination or one truck-tractor semitrailer trailer combination used in transporting equipment utilized by custom harvesters under contract to agricultural producers to harvest wheat, soybeans, or milo during the months of April through November but the length of the property-carrying units, excluding load, shall not exceed eighty-one feet six inches.

(3) The length limitations of this section shall be exclusive of safety and energy conservation devices such as rearview mirrors, turnsignal lights, marker lights, steps and handholds for entry and egress, flexible fender extensions, mudflaps and splash and spray suppressant devices, load-induced tire bulge, refrigeration units or air compressors, and other devices necessary for safe and efficient operation of commercial motor vehicles, except that no device excluded from the limitations of this section shall have by its design or use the capability to carry cargo.

2. On page 19, line 7, strike "19" and insert "23"; in line 12, after "60-4,139" insert "60-601, 60-605," and after "60-6,267," insert "60-6,290,".

3. Renumber the remaining sections accordingly.

Senator Schrock filed the following amendment to LB 975:
AM2365

(Amendments to Standing Committee amendments, AM2002)

1. Insert the following sections:

Sec. 17. (1) Except as provided in subsection (2) of this section, a county planning commission or county board shall grant a conditional use permit or special exception to any existing animal feeding operation seeking to construct or modify a livestock waste control facility if the purpose of seeking such permit or exception is to comply with federal or state regulations pertaining to livestock waste management.

(2) A county planning commission or county board is not required to grant a conditional use permit or special exception under subsection (1) of this section if:

(a) Construction of the livestock waste control facility would allow the capacity of the animal feeding operation to increase by more than the greater of (a) ten percent or (b) five hundred cattle, three hundred fifty dairy cows, one thousand two hundred fifty swine each weighing fifty-five pounds or more, five thousand swine each weighing less than fifty-five pounds, two hundred fifty horses, five thousand sheep or lambs, twenty-seven thousand five hundred turkeys, fifteen thousand laying hens or broilers if the animal feeding operation uses a liquid manure

handling system, sixty-two thousand five hundred chickens that are not laying hens if the animal feeding operation uses other than a liquid manure handling system, forty-one thousand laying hens if the animal feeding operation uses other than a liquid manure handling system, fifteen thousand ducks if the animal feeding operation uses other than a liquid manure handling system, or two thousand five hundred ducks if the animal feeding operation uses a liquid manure handling system; or

(b) The operation has not complied with inspection requirements pursuant to section 54-2423.

Sec. 18. Each application for a major modification of an operating permit, a construction permit, a construction and operating permit, or a National Pollutant Discharge Elimination System permit shall contain (1) a certification that the information contained in the application is accurate to the best of the applicant's knowledge and belief and that the applicant has the authority under the laws of the State of Nebraska to sign the application, (2) a detailed description of the major modification requested, (3) a completed nutrient management plan and supporting documentation unless such information has been previously submitted and is unchanged, and (4) such information as required by rules and regulations adopted and promulgated by the council.

Sec. 19. Section 81-1513, Reissue Revised Statutes of Nebraska, is amended to read:

81-1513 (1) Any person who owns or is in control of any plant, building structure, process, or equipment may apply to the director for a variance from rules or regulations. The director may grant such variance if he or she finds that the emissions or discharges occurring or proposed to occur do not endanger or tend to endanger human health or safety or that compliance with the rules or regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public. In making such findings the director shall give due consideration to all the facts and circumstances bearing upon the reasonableness of the emissions or discharges involved including, but not limited to:

(a) The character and degree of injury to or interference with the health and physical property of the people;

(b) The social and economic value of the source of the air, water, or land pollution;

(c) The question of priority of location in the area involved; and

(d) The technical practicability and economic reasonableness of reducing or eliminating the emissions or discharges resulting from such source.

(2) No variance shall be granted until the director has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public. Before any variance is granted, the director shall give

public notice of an application for such variance immediately upon receipt of such application and in accordance with the rules and regulations of the department. The notice shall be published in a newspaper of general circulation in the county in which the plant, building structure, process, or equipment on which the proposed variance is located.

(3) Any variance or renewal thereof shall be granted within the requirements of subsection (1) of this section, for time periods and under conditions consistent with the reasons therefor, and within the following limitations:

(a) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement, or control of the air, water, or land pollution involved, it shall be only until the necessary means for prevention, abatement, or control become known and available and subject to the taking of any substitute or alternate measures that the director may prescribe;

(b) If the variance is granted on the ground that compliance with the particular requirement or requirements from which variance is sought will necessitate the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the director, is requisite for the taking of the necessary measures. A variance granted on the ground specified in this section shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable; and

(c) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in subdivision (a) or (b) of this subsection, it shall be for not more than one year.

(4) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the director on account of the variance, no renewal thereof shall be granted unless the director finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least thirty days prior to the expiration of the variance. Immediately upon receipt of an application for renewal and before approving the renewal application, the director shall give public notice of such application in accordance with rules and regulations of the department. The public notice shall be published in the county in a newspaper of general circulation in which the plant, building structure, process, or equipment on which the variance is located.

(5) A variance or renewal shall not be a right of the applicant or holder thereof but shall be in the discretion of the director. The granting or denial of a variance or a renewal shall be by final order of the director. Any person adversely affected by

such an order may appeal the decision, and the appeal shall be in accordance with the Administrative Procedure Act.

(6) Nothing in this section and no variance or renewal granted pursuant to this section shall be construed to prevent or limit the application of the emergency provisions and procedures of section 81-1507 to any person or his or her property.

(7) No variance shall be granted which will sanction any violation of state or federal statutes or regulations.

2. On page 1, line 5, strike "section 16" and insert "sections 16, 17, and 18".

3. On page 13, line 9, strike "(1)"; in line 13 strike "(a)" and insert "(1)"; and in line 17 strike "(b)" and insert "(2)".

4. On page 14, strike lines 8 through 17.

5. On page 15, lines 20 and 22, after "chickens" insert "or ducks".

6. On page 16, line 3, after "54-2435" insert "and section 16 of this act".

7. Amend the operative date and repealer sections so that the sections added by this amendment become operative on their effective date with the emergency clause.

8. Renumber the remaining sections accordingly.

Senator Beutler filed the following amendment to LB 853:
FA481
Amendment to AM2348
After line 15, on page 1 add "Such individuals must have a valid military driver's license unless such individual is operating the vehicle under written orders from a commanding officer in an emergency declared by the federal government or by the State of NE."

Senator Smith filed the following amendment to LB 853:
AM2357

(Amendments to E & R amendments, AM7161)

1. Insert the following new sections:

Sec. 15. Section 60-601, Reissue Revised Statutes of Nebraska, is amended to read:

60-601 Sections 60-601 to 60-6,377 and section 18 of this act shall be known and may be cited as the Nebraska Rules of the Road.

Sec. 18. (1) Subsections (2) and (3) of section 60-6,294 shall not apply to a farm tractor drawing an implement of husbandry carrying grain or other seasonally harvested products from the field where such grain was harvested to storage, market, or stockpile in the field or from stockpile to market or factory, if such implement of husbandry is equipped with flotation tires and does not exceed a gross laden weight of forty-eight thousand pounds. This exemption does not include travel upon the National System of Interstate and Defense Highways.

(2) When operated upon any highway, a farm tractor drawing an implement of husbandry as prescribed in subsection (1) of this section shall not be operated at a speed in excess of forty miles per hour.

2. On page 19, line 12, after "60-4,139," insert "60-601,".

3. Renumber the remaining sections and correct internal references accordingly.

Senator Smith filed the following amendment to LB 275:
AM2358

1. Insert the following new sections:

Sec. 21. Section 60-601, Reissue Revised Statutes of Nebraska, is amended to read:

60-601 Sections 60-601 to 60-6,377 and section 22 of this act shall be known and may be cited as the Nebraska Rules of the Road.

Sec. 22. (1) Subsections (2) and (3) of section 60-6,294 shall not apply to a farm tractor drawing an implement of husbandry carrying grain or other seasonally harvested products from the field where such grain was harvested to storage, market, or stockpile in the field or from stockpile to market or factory, if such implement of husbandry is equipped with flotation tires and does not exceed a gross laden weight of forty-eight thousand pounds. This exemption does not include travel upon the National System of Interstate and Defense Highways.

(2) When operated upon any highway, a farm tractor drawing an implement of husbandry as prescribed in subsection (1) of this section shall not be operated at a speed in excess of forty miles per hour.

2. On page 53, line 15, after "60-465," insert "60-601,".

3. Renumber the remaining sections accordingly.

Senator Schrock filed the following amendment to LB 975:
FA482
Amendment to AM2365
On page 2, line 9, insert the following (3) Any animal feeding operation can only utilize the provisions of subsection (2)(a) of this section one time.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1008A. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1008, Ninety-ninth Legislature, Second Session, 2006.

LEGISLATIVE BILL 1151A. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1151, Ninety-ninth Legislature, Second Session, 2006; to provide for a transfer; and to declare an emergency.

UNANIMOUS CONSENT - Add Cointroducer

Senator Schrock asked unanimous consent to add his name as cointroducer to LB 957. No objections. So ordered.

VISITORS

Visitors to the Chamber were Future Business Leaders of America State Officers; and 38 members of Leadership Youth and sponsor from Grand Island.

The Doctor of the Day was Dr. Paul Paulman from Omaha.

ADJOURNMENT

At 12:02 p.m., on a motion by Senator Engel, the Legislature adjourned until 9:00 a.m., Wednesday, February 22, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-FIRST DAY - FEBRUARY 22, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

THIRTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 22, 2006

PRAYER

The prayer was offered by Senator Wehrbein.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Brashear and Combs who were excused; and Senators Aguilar, Brown, Engel, Landis, Dw. Pedersen, and Stuhr who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirtieth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 173, 996, and 996A.

ER9068

Enrollment and Review Change to LB 173

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Hudkins amendment, AM2354:

a. On page 3, line 18, the comma has been struck; and

b. On page 5, line 9, an underscored comma has been inserted after "owner".

2. On page 1, the matter beginning with "section" in line 2 through line 5 and all amendments thereto have been struck and "sections 69-1301, 69-1305.02, 69-1308, and 69-1329, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions relating to credit memos,

gift certificates, gift cards, and general-use prepaid cards; to harmonize provisions; to provide an operative date; and to repeal the original sections." inserted.

LEGISLATIVE BILL 856. Placed on Select File as amended.
(E & R amendment, AM7165, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 856A. Placed on Select File.

(Signed) Michael Flood, Chairperson

STANDING COMMITTEE REPORTS
Transportation and Telecommunications

LEGISLATIVE BILL 631. Placed on General File.
LEGISLATIVE BILL 1071. Placed on General File.
LEGISLATIVE BILL 1117. Placed on General File.
LEGISLATIVE BILL 1172. Placed on General File.

LEGISLATIVE BILL 559. Placed on General File as amended.
Standing Committee amendment to LB 559:
AM2180

1. Strike the original sections and insert the following new sections:

Section 1. Section 60-4,111.01, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,111.01 (1) The Department of Motor Vehicles, the courts, or law enforcement agencies may store or compile information acquired from an operator's license or state identification card for their statutorily authorized purposes.

(2) ~~No~~ Except as provided in subsection (3) of this section, no person having use of or access to machine-readable information encoded on an operator's license or a state identification card shall capture, compile, store, preserve, trade, or sell such information. Violation of this subsection ~~shall be~~ is a Class IV felony.

(3) A commercial user or electronic verification service provider may capture, compile, store, preserve, or use personal information, obtained from an operator's license or a state identification card using an electronic device, only for age-verification purposes or to prevent fraud subject to sections 2 to 5 of this act.

Sec. 2. Any person that sells or markets an electronic verification device to commercial users in Nebraska or supports such a device for commercial users in Nebraska shall be approved by and register as a service provider with the Department of Motor Vehicles in a manner prescribed by the department.

Sec. 3. (1) A commercial user may capture, store, or

maintain a record of personal information in an encrypted format only as provided in this section and only if such commercial user has made a clear and conspicuous disclosure to an individual who is required or requested to provide identification as part of a commercial transaction that the personal information is being captured as part of the transaction. The disclosure shall be substantially as follows: "The personal identification information contained on your driver's license or state identification card is being electronically scanned and captured as part of this transaction."

(2) A commercial user or registered service provider may capture, compile, store, preserve, transmit, and use personal information only for the following purposes:

(a) To comply or assist with any official law enforcement investigation or an order of any state or federal administrative agency or court;

(b) To evaluate, detect, or prevent fraud, misrepresentation, identity theft, or possible criminal activity or to pursue any lawful remedy for fraud, misrepresentation, identity theft, or other criminal activity;

(c) To defend an action brought against the commercial user regarding the individual providing the operator's license or state identification card; or

(d) For any purpose expressly required or permitted by law.

(3) A commercial user or registered service provider may preserve personal information obtained pursuant to this section for a period of four years following the date of capture. After such time the information shall be deleted or removed from the electronic records of such commercial user or registered service provider.

(4) Except as provided in this section, no commercial user or registered service provider shall buy, sell, trade, transfer, or disclose to any other person, or maintain, download, or use in any manner, personal information captured from an identification document.

(5) Notwithstanding the provisions of this section, a commercial user or registered service provider may use personal information captured from an identification document if it has obtained the express consent of the individual presenting the identification document, but only in the manner and to the extent that such individual has expressly authorized.

Sec. 4. A violation of section 3 of this act is a Class IV felony.

Sec. 5. Any person aggrieved by a violation of section 3 of this act may bring a civil action, including an action for immediate relief by means of an injunction or other order of the court.

Sec. 6. Original section 60-4,111.01, Reissue Revised Statutes of Nebraska, is repealed.

(Signed) Tom Baker, Chairperson

Revenue

LEGISLATIVE BILL 990. Placed on General File as amended.
Standing Committee amendment to LB 990:
AM2351

1. On page 8, strike beginning with "The" in line 23 through the period in line 25 and insert "The amount of the credit allowed under subsection (2) of this section shall be ten percent of the investment, not to exceed a credit of three hundred thousand dollars.".

LEGISLATIVE BILL 1217. Placed on General File as amended.
Standing Committee amendment to LB 1217:
AM2083

1. On page 5, lines 10 and 11, reinstate the stricken "vehicle" and after "fuel" insert "or diesel fuel".

LEGISLATIVE RESOLUTION 262CA. Placed on General File as amended.
Standing Committee amendment to LR 262CA:
AM2352

1. On page 4, line 1, strike "shall be exempt from taxation" and insert "the Legislature may exempt such improvements from taxation in whole or in part"; and in line 5 after "to" insert "authorize the Legislature to" and after "taxation" insert ", in whole or in part,".

LEGISLATIVE BILL 526. Indefinitely postponed.
LEGISLATIVE BILL 977. Indefinitely postponed.
LEGISLATIVE BILL 1134. Indefinitely postponed.

(Signed) David Landis, Chairperson

MOTION - Approve Appointment

Senator Schimek moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 689:

State Emergency Response Commission
Allen Grell

Voting in the affirmative, 33:

Baker	Cunningham	Howard	Kruse	Schimek
Burling	Erdman	Hudkins	Langemeier	Schrock
Byars	Fischer	Janssen	McDonald	Smith
Chambers	Flood	Jensen	Mines	Stuthman
Connealy	Foley	Johnson	Pahls	Thompson
Cornett	Friend	Kopplin	Price	
Cudaback	Heidemann	Kremer	Raikes	

Voting in the negative, 0.

Present and not voting, 8:

Beutler	Louden	Preister	Synowiecki
Bourne	Pederson, D.	Redfield	Wehrbein

Excused and not voting, 8:

Aguilar	Brown	Engel	Pedersen, Dw.
Brashear	Combs	Landis	Stuhr

The appointment was confirmed with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1116. Title read. Considered.

Advanced to E & R for review with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 196. Title read. Considered.

The Standing Committee amendment, AM0406, found on page 506, First Session, 2005, was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 757. Title read. Considered.

The Standing Committee amendment, AM0399, found on page 651, First Session, 2005, was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 409. Title read. Considered.

Advanced to E & R for review with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 860. Title read. Considered.

Advanced to E & R for review with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 795. Title read. Considered.

The Standing Committee amendment, AM1877, found on page 386, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 787. Title read. Considered.

The Standing Committee amendment, AM1894, found on page 413, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 792. Title read. Considered.

The Standing Committee amendment, AM1937, found on page 423, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 819. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1066. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 833. Title read. Considered.

The Standing Committee amendment, AM2000, found on page 487, was

adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 789. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1008. Title read. Considered.

The Standing Committee amendment, AM1880, found on page 521, was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1008A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 823. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 921. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 941. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 771. Title read. Considered.

The Standing Committee amendment, AM2115, found on page 564, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 225. Indefinitely postponed.
LEGISLATIVE BILL 226. Indefinitely postponed.
LEGISLATIVE BILL 552. Indefinitely postponed.
LEGISLATIVE BILL 731. Indefinitely postponed.
LEGISLATIVE BILL 1127. Indefinitely postponed.
LEGISLATIVE BILL 1225. Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

AMENDMENT - Print in Journal

Senator Hudkins filed the following amendment to LB 562:
AM2379

1. Strike original section 2 and insert the following new sections:

Sec. 2. Section 53-123.11, Reissue Revised Statutes of Nebraska, is amended to read:

53-123.11 (1) A farm winery license shall entitle the holder to:

(a) Sell wines produced at the farm winery onsite at wholesale and retail and to sell wines produced at the farm winery at off-premises sites holding the appropriate retail license;

(b) Sell wines produced at the farm winery at retail for consumption on the premises;

(c) Ship wines produced at the farm winery by common carrier and sold at retail to recipients in and outside the State of Nebraska, if the output of such farm winery for each calendar year as reported to the commission by December 31 of each year does not exceed thirty thousand gallons. In the event such amount exceeds thirty thousand gallons, the farm winery shall be required to use a licensed wholesaler to distribute its wines for the following calendar year, except that this requirement shall not apply to wines produced and sold onsite at the farm winery pursuant to subdivision (1)(a) of this section; and

(d) Allow sampling of the wine at the farm winery and at one branch outlet in the state in reasonable amounts.

(2) No farm winery shall manufacture wine in excess of fifty thousand gallons per year.

(3) A holder of a farm winery license may obtain a special designated license pursuant to section 53-124.11.

(4) A holder of a farm winery license may obtain an annual catering license pursuant to section 53-124.12.

Sec. 3. Section 53-124.11, Reissue Revised Statutes of Nebraska, is amended to read:

53-124.11 (1) The commission may issue a special designated license for sale or consumption of alcoholic liquor at a designated location to a retail licensee, a craft brewery licensee,

a farm winery licensee, a municipal corporation, a fine arts museum incorporated as a nonprofit corporation, a religious nonprofit corporation which has been exempted from the payment of federal income taxes, a political organization which has been exempted from the payment of federal income taxes, or any other nonprofit corporation the purpose of which is fraternal, charitable, or public service and which has been exempted from the payment of federal income taxes, under conditions specified in this section. The applicant shall demonstrate meeting the requirements of this subsection.

(2) No retail licensee, craft brewery licensee, farm winery licensee, organization, or corporation enumerated in subsection (1) of this section may be issued a special designated license under this section for more than six calendar days in any one calendar year. Only one special designated license shall be required for any application for two or more consecutive days. This subsection shall not apply to any holder of a catering license.

(3) Except for any special designated license issued to a holder of a catering license, there shall be a fee of forty dollars for each day identified in the special designated license. Such fee shall be submitted with the application for the special designated license, collected by the commission, and remitted to the State Treasurer for credit to the General Fund. The applicant shall be exempt from the provisions of the Nebraska Liquor Control Act requiring a registration fee and the provisions of the act requiring the expiration of forty-five days from the time the application is received by the commission prior to the issuance of a license, if granted by the commission. The retail licensees, craft brewery licensees, farm winery licensees, municipal corporations, organizations, and nonprofit corporations enumerated in subsection (1) of this section seeking a special designated license shall file an application on such forms as the commission may prescribe. Such forms shall contain, along with other information as required by the commission, (a) the name of the applicant, (b) the premises for which a special designated license is requested, identified by street and number if practicable and, if not, by some other appropriate description which definitely locates the premises, (c) the name of the owner or lessee of the premises for which the special designated license is requested, (d) sufficient evidence that the holder of the special designated license, if issued, will carry on the activities and business authorized by the license for himself, herself, or itself and not as the agent of any other person, group, organization, or corporation, for profit or not for profit, (e) a statement of the type of activity to be carried on during the time period for which a special designated license is requested, and (f) sufficient evidence that the activity will be supervised by persons or managers who are agents of and directly responsible to the holder of the special designated license.

(4) No special designated license provided for by this section shall be issued by the commission without the approval of

the local governing body. The local governing body may establish criteria for approving or denying a special designated license. The local governing body may designate an agent to determine whether a special designated license is to be approved or denied. Such agent shall follow criteria established by the local governing body in making his or her determination. The determination of the agent shall be considered the determination of the local governing body unless otherwise provided by the local governing body. For purposes of this section, the local governing body shall be the city or village within which the premises for which the special designated license is requested are located or, if such premises are not within the corporate limits of a city or village, then the local governing body shall be the county within which the premises for which the special designated license is requested are located.

(5) If the applicant meets the requirements of this section, a special designated license shall be granted and issued by the commission for use by the holder of the special designated license. All statutory provisions and rules and regulations of the commission that apply to a retail licensee shall apply to the holder of a special designated license with the exception of such statutory provisions and rules and regulations of the commission so designated by the commission and stated upon the issued special designated license, except that the commission may not designate exemption of sections 53-180 to 53-180.07. The decision of the commission shall be final. If the applicant does not qualify for a special designated license, the application shall be denied by the commission.

(6) A special designated license issued by the commission shall be mailed or delivered to the city, village, or county clerk who shall deliver such license to the licensee upon receipt of any fee or tax imposed by such city, village, or county.

Sec. 4. Section 53-124.12, Reissue Revised Statutes of Nebraska, is amended to read:

53-124.12 (1) The holder of a license to sell alcoholic liquor at retail issued under subdivision (5) of section 53-124, ~~or~~ a craft brewery license, or a farm winery license may obtain an annual catering license as prescribed in this section. The catering license shall be issued for the same period and may be renewed in the same manner as the retail license, ~~or~~ craft brewery license, or farm winery license.

(2) Any person desiring to obtain a catering license shall file with the commission:

(a) An application in triplicate original upon such forms as the commission prescribes; and

(b) A license fee of one hundred dollars payable to the commission, which fee shall be returned to the applicant if the application is denied.

(3) When an application for a catering license is filed, the commission shall notify, by registered or certified mail, return receipt requested with postage prepaid, (a) the clerk of the city or incorporated village in which such applicant is located or

(b) if the applicant is not located within a city or incorporated village, the county clerk of the county in which such applicant is located, of the receipt of the application. The commission shall enclose with such notice one copy of the application. The local governing body and the commission shall process the application in the same manner as provided in section 53-132.

(4) The local governing body with respect to catering licensees within its liquor license jurisdiction as provided in subsection (5) of this section may cancel a catering license for cause for the remainder of the period for which such catering license is issued. Any person whose catering license is canceled may appeal to the district court of the county in which the local governing body is located.

(5) For purposes of this section, local governing body means (a) the governing body of the city or village in which the catering licensee is located or (b) if such licensee is not located within a city or village, the governing body of the county in which such licensee is located.

(6) The local governing body may impose an occupation tax on the business of a catering licensee doing business within the liquor license jurisdiction of the local governing body as provided in subsection (5) of this section. Such tax may not exceed double the license fee to be paid under this section.

Sec. 5. Original sections 53-103, 53-123.11, 53-124.11, and 53-124.12, Reissue Revised Statutes of Nebraska, are repealed.

GENERAL FILE

LEGISLATIVE BILL 1067. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1178. Title read. Considered.

The Standing Committee amendment, AM2225, found on page 640, was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 815. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

AMENDMENT - Print in Journal

Senator Stuhr filed the following amendment to LB 1019:
AM2368

(Amendments to E & R amendments, AM7163)

1. Strike sections 5 and 19.

2. On page 16, line 19; and page 74, line 27, strike "paid" and insert "credited to the employee cash balance account and the employer cash balance account".

3. Renumber the remaining sections and correct the operative date and repealer sections accordingly.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 962. Placed on General File.

LEGISLATIVE BILL 797. Indefinitely postponed.
LEGISLATIVE BILL 1213. Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

SELECT FILE

LEGISLATIVE BILL 975. E & R amendment, AM7152, found on page 544, was adopted.

Senator Schrock withdrew his pending amendments, AM2192, AM2293, AM2365, and FA482, found on pages 592, 661, 727, and 731.

Senator Schrock offered the following amendment:
AM2387

(Amendments to Standing Committee amendments, AM2002)

1. Insert the following sections:

Sec. 17. (1) Except as provided in subsection (2) of this section, a county planning commission or county board shall grant a conditional use permit or special exception to any existing animal feeding operation seeking to construct or modify a livestock waste control facility if the purpose of seeking such permit or exception is to comply with federal or state regulations pertaining to livestock waste management.

(2) A county planning commission or county board is not required to grant a conditional use permit or special exception under subsection (1) of this section if:

(a) Construction of the livestock waste control facility would allow the capacity of the animal feeding operation to

increase by more than the greater of (a) ten percent or (b) five hundred cattle, three hundred fifty dairy cows, one thousand two hundred fifty swine each weighing fifty-five pounds or more, five thousand swine each weighing less than fifty-five pounds, two hundred fifty horses, five thousand sheep or lambs, twenty-seven thousand five hundred turkeys, fifteen thousand laying hens or broilers if the animal feeding operation uses a liquid manure handling system, sixty-two thousand five hundred chickens that are not laying hens if the animal feeding operation uses other than a liquid manure handling system, forty-one thousand laying hens if the animal feeding operation uses other than a liquid manure handling system, fifteen thousand ducks if the animal feeding operation uses other than a liquid manure handling system, or two thousand five hundred ducks if the animal feeding operation uses a liquid manure handling system; or

(b) The operation has not complied with inspection requirements pursuant to section 54-2423.

(3) An animal feeding operation can only be granted one conditional use permit or special exemption pursuant to subdivision (2)(a) of this section by the county planning commission or county board.

Sec. 18. Each application for a major modification of an operating permit, a construction permit, a construction and operating permit, or a National Pollutant Discharge Elimination System permit shall contain (1) a certification that the information contained in the application is accurate to the best of the applicant's knowledge and belief and that the applicant has the authority under the laws of the State of Nebraska to sign the application, (2) a detailed description of the major modification requested, (3) a completed nutrient management plan and supporting documentation unless such information has been previously submitted and is unchanged, and (4) such information as required by rules and regulations adopted and promulgated by the council.

Sec. 19. Section 81-1513, Reissue Revised Statutes of Nebraska, is amended to read:

81-1513 (1) Any person who owns or is in control of any plant, building structure, process, or equipment may apply to the director for a variance from rules or regulations. The director may grant such variance if he or she finds that the emissions or discharges occurring or proposed to occur do not endanger or tend to endanger human health or safety or that compliance with the rules or regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public. In making such findings the director shall give due consideration to all the facts and circumstances bearing upon the reasonableness of the emissions or discharges involved including, but not limited to:

(a) The character and degree of injury to or interference with the health and physical property of the people;

(b) The social and economic value of the source of the air, water, or land pollution;

(c) The question of priority of location in the area involved; and

(d) The technical practicability and economic reasonableness of reducing or eliminating the emissions or discharges resulting from such source.

(2) No variance shall be granted until the director has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public. Before any variance is granted, the director shall give public notice of an application for such variance immediately upon receipt of such application and in accordance with the rules and regulations of the department. The notice shall be published in a newspaper of general circulation in the county in which the plant, building structure, process, or equipment on which the proposed variance is located.

(3) Any variance or renewal thereof shall be granted within the requirements of subsection (1) of this section, for time periods and under conditions consistent with the reasons therefor, and within the following limitations:

(a) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement, or control of the air, water, or land pollution involved, it shall be only until the necessary means for prevention, abatement, or control become known and available and subject to the taking of any substitute or alternate measures that the director may prescribe;

(b) If the variance is granted on the ground that compliance with the particular requirement or requirements from which variance is sought will necessitate the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the director, is requisite for the taking of the necessary measures. A variance granted on the ground specified in this section shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable; and

(c) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in subdivision (a) or (b) of this subsection, it shall be for not more than one year.

(4) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the director on account of the variance, no renewal thereof shall be granted unless the director finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least thirty

days prior to the expiration of the variance. Immediately upon receipt of an application for renewal and before approving the renewal application, the director shall give public notice of such application in accordance with rules and regulations of the department. The public notice shall be published in the county in a newspaper of general circulation in which the plant, building structure, process, or equipment on which the variance is located.

(5) A variance or renewal shall not be a right of the applicant or holder thereof but shall be in the discretion of the director. The granting or denial of a variance or a renewal shall be by final order of the director. Any person adversely affected by such an order may appeal the decision, and the appeal shall be in accordance with the Administrative Procedure Act.

(6) Nothing in this section and no variance or renewal granted pursuant to this section shall be construed to prevent or limit the application of the emergency provisions and procedures of section 81-1507 to any person or his or her property.

(7) No variance shall be granted which will sanction any violation of state or federal statutes or regulations.

2. On page 1, line 5, strike "section 16" and insert "sections 16, 17, and 18".

3. On page 13, line 9, strike "(1)"; in line 13 strike "(a)" and insert "(1)"; and in line 17 strike "(b)" and insert "(2)".

4. On page 14, strike lines 8 through 17.

5. On page 15, lines 20 and 22, after "chickens" insert "or ducks".

6. On page 16, line 3, after "54-2435" insert "and section 16 of this act".

7. Amend the operative date and repealer sections so that the sections added by this amendment become operative on their effective date with the emergency clause.

8. Renumber the remaining sections accordingly.

Senator Beutler offered the following amendment to the Schrock pending amendment:
AM2399

(Amendments to AM2387)

1. Strike section 18.

2. On page 1, strike beginning with "(1)" in line 2 through "a" in line 3 and insert "A"; in line 7 after "is" insert "solely"; and strike lines 9 through 22.

3. On page 2, strike lines 1 through 12.

4. On page 6, line 2, strike ", 17, and 18" and insert "and 17".

5. Renumber section 19 as section 18.

Senator Beutler withdrew his amendment.

Senator Beutler requested a division of the question on the Schrock amendment.

The Chair sustained the division of the question.

The first Schrock amendment is as follows:
FA483
(Amendments to Standing Committee amendments, AM2002)

Sec. 19. Section 81-1513, Reissue Revised Statutes of Nebraska, is amended to read:

81-1513 (1) Any person who owns or is in control of any plant, building structure, process, or equipment may apply to the director for a variance from rules or regulations. The director may grant such variance if he or she finds that the emissions or discharges occurring or proposed to occur do not endanger or tend to endanger human health or safety or that compliance with the rules or regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public. In making such findings the director shall give due consideration to all the facts and circumstances bearing upon the reasonableness of the emissions or discharges involved including, but not limited to:

(a) The character and degree of injury to or interference with the health and physical property of the people;

(b) The social and economic value of the source of the air, water, or land pollution;

(c) The question of priority of location in the area involved; and

(d) The technical practicability and economic reasonableness of reducing or eliminating the emissions or discharges resulting from such source.

(2) No variance shall be granted until the director has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public. Before any variance is granted, the director shall give public notice of an application for such variance immediately upon receipt of such application and in accordance with the rules and regulations of the department. The notice shall be published in a newspaper of general circulation in the county in which the plant, building structure, process, or equipment on which the proposed variance is located.

(3) Any variance or renewal thereof shall be granted within the requirements of subsection (1) of this section, for time periods and under conditions consistent with the reasons therefor, and within the following limitations:

(a) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement, or control of the air, water, or land pollution involved, it shall be only until the necessary means for

prevention, abatement, or control become known and available and subject to the taking of any substitute or alternate measures that the director may prescribe;

(b) If the variance is granted on the ground that compliance with the particular requirement or requirements from which variance is sought will necessitate the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the director, is requisite for the taking of the necessary measures. A variance granted on the ground specified in this section shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable; and

(c) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in subdivision (a) or (b) of this subsection, it shall be for not more than one year.

(4) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the director on account of the variance, no renewal thereof shall be granted unless the director finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least thirty days prior to the expiration of the variance. Immediately upon receipt of an application for renewal and before approving the renewal application, the director shall give public notice of such application in accordance with rules and regulations of the department. The public notice shall be published in the county in a newspaper of general circulation in which the plant, building structure, process, or equipment on which the variance is located.

(5) A variance or renewal shall not be a right of the applicant or holder thereof but shall be in the discretion of the director. The granting or denial of a variance or a renewal shall be by final order of the director. Any person adversely affected by such an order may appeal the decision, and the appeal shall be in accordance with the Administrative Procedure Act.

(6) Nothing in this section and no variance or renewal granted pursuant to this section shall be construed to prevent or limit the application of the emergency provisions and procedures of section 81-1507 to any person or his or her property.

(7) No variance shall be granted which will sanction any violation of state or federal statutes or regulations.

The first Schrock amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

The second Schrock amendment is as follows:
FA484

(Amendments to Standing Committee amendments, AM2002)

Sec. 18. Each application for a major modification of an operating permit, a construction permit, a construction and operating permit, or a National Pollutant Discharge Elimination System permit shall contain (1) a certification that the information contained in the application is accurate to the best of the applicant's knowledge and belief and that the applicant has the authority under the laws of the State of Nebraska to sign the application, (2) a detailed description of the major modification requested, (3) a completed nutrient management plan and supporting documentation unless such information has been previously submitted and is unchanged, and (4) such information as required by rules and regulations adopted and promulgated by the council.

The second Schrock amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

The third Schrock amendment is as follows:

FA485

(Amendments to Standing Committee amendments, AM2002)

1. Insert the following sections:

Sec. 17. (1) Except as provided in subsection (2) of this section, a county planning commission or county board shall grant a conditional use permit or special exception to any existing animal feeding operation seeking to construct or modify a livestock waste control facility if the purpose of seeking such permit or exception is to comply with federal or state regulations pertaining to livestock waste management.

(2) A county planning commission or county board is not required to grant a conditional use permit or special exception under subsection (1) of this section if:

(a) Construction of the livestock waste control facility would allow the capacity of the animal feeding operation to increase by more than the greater of (a) ten percent or (b) five hundred cattle, three hundred fifty dairy cows, one thousand two hundred fifty swine each weighing fifty-five pounds or more, five thousand swine each weighing less than fifty-five pounds, two hundred fifty horses, five thousand sheep or lambs, twenty-seven thousand five hundred turkeys, fifteen thousand laying hens or broilers if the animal feeding operation uses a liquid manure handling system, sixty-two thousand five hundred chickens that are not laying hens if the animal feeding operation uses other than a liquid manure handling system, forty-one thousand laying hens if the animal feeding operation uses other than a liquid manure handling system, fifteen thousand ducks if the animal feeding operation uses other than a liquid manure handling system, or two thousand five hundred ducks if the animal feeding operation uses a liquid manure handling system; or

(b) The operation has not complied with inspection

requirements pursuant to section 54-2423.

(3) An animal feeding operation can only be granted one conditional use permit or special exemption pursuant to subdivision (2)(a) of this section by the county planning commission or county board.

Pending.

AMENDMENTS - Print in Journal

Senator Preister filed the following amendment to LB 872:
AM2383

1. Insert the following new sections:

Section 1. Section 77-2701, Revised Statutes Supplement, 2005, is amended to read:

77-2701 Sections 77-2701 to 77-27,135.01, 77-27,222, and 77-27,228 to 77-27,234 and section 2 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967.

Sec. 2. (1) Any producer of electricity generated by a new zero-emission facility shall earn a renewable energy tax credit. For electricity generated on or after the effective date of this act, and before January 1, 2010, the credit shall be .075 cent for each kilowatt-hour of electricity generated by a new zero-emission facility. For electricity generated on or after January 1, 2010, and before January 1, 2013, the credit shall be .05 cent per kilowatt-hour for electricity generated by a new zero-emission facility. For electricity generated on or after January 1, 2013, and before January 1, 2018, the credit shall be .025 cent per kilowatt-hour for electricity generated by a new zero-emission facility. The credit may be earned for production of electricity for ten years after the date that the facility is placed in operation on or after the effective date of this act.

(2) For purposes of this section:

(a) Electricity generated by a new zero-emission facility means electricity that is exclusively produced by a new zero-emission facility;

(b) Eligible renewable resources means wind, moving water, solar, geothermal, fuel cell, methane gas, or photovoltaic technology; and

(c) New zero-emission facility means an electrical generating facility located in this state that is first placed into service on or after the effective date of this act with a rated production of one megawatt or greater which utilizes eligible renewable resources as its fuel source and for which the operation of the facility results in no pollution or emissions that are or may be harmful to the environment as certified by the Department of Environmental Quality.

(3) The credit allowed under this section may be used to reduce the producer's Nebraska income tax liability or to obtain

a refund of state sales and use taxes paid by the producer of electricity generated by a zero-emission facility. A claim to use the credit for refund of the state sales and use taxes paid, either directly or indirectly, by the producer may be filed quarterly for electricity generated during the previous quarter by the twentieth day of the month following the end of the calendar quarter. The credit may be used to obtain a refund of state sales and use taxes paid during the quarter immediately preceding the quarter in which the claim for refund is made, except that the amount refunded under this subsection shall not exceed the amount of the state sales and use taxes paid during the quarter.

(4) The Department of Revenue may adopt and promulgate rules and regulations to permit verification of the validity and timeliness of any renewable energy tax credit claimed.

(5) The Department of Environmental Quality may adopt and promulgate rules and regulations to certify that the operation of a new zero-emission facility results in no pollution or emissions that are or may be harmful to the environment.

(6) The total amount of renewable energy tax credits that may be used by all taxpayers shall be limited to four hundred thousand dollars without further authorization from the Legislature.

2. On page 24, line 23, strike "section" and insert "sections 77-2701 and".

3. Renumber the remaining sections accordingly.

Senator Janssen filed the following amendment to LB 562:
AM2380

1. Insert the following new section:

Sec. 3. The following section is outright repealed:

Section 53-167.04, Reissue Revised Statutes of Nebraska.

WITHDRAW - Cointroducer

Senator Cornett withdrew her name as cointroducer to LB 883.

VISITORS

Visitors to the Chamber were Pastor Jane Denison from Fontenelle; Lyle Hermance from Waverly, Marlene Wallman from Cortland, and Gerald and Ute Gronewold from Germany; 7 students and teacher from Southwest High School, Lincoln; 30 fourth-grade students and teacher from Sunrise Community School, Lakeview; 35 first-grade students and teacher from McPhee Elementary School, Lincoln; and Andy Stillmock from Syracuse.

The Doctor of the Day was Dr. Mike Myers from Lincoln.

ADJOURNMENT

At 11:32 a.m., on a motion by Senator Baker, the Legislature adjourned until 9:00 a.m., Thursday, February 23, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-SECOND DAY - FEBRUARY 23, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 23, 2006

PRAYER

The prayer was offered by Pastor Robert Litzenberger, New Hope Evangelical Free Church, Gothenburg.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Combs, McDonald, and Redfield who were excused; and Senators Brown, Cornett, Erdman, Howard, Janssen, Johnson, Landis, Dw. Pedersen, Price, Stuhr, and Synowiecki who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-first day was approved.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 1105. Placed on General File as amended.
(Standing Committee amendment, AM2389, is printed separately and available in the Bill Room, Room 1104.)

(Signed) David Landis, Chairperson

Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Nancy Oltman - Commission for the Blind and Visually Impaired
Darrell Walla - Commission for the Blind and Visually Impaired

VOTE: Aye: Senators Jensen, Byars, Cunningham, Johnson, Stuthman and Howard. Nay: None. Absent: Senator Erdman.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

James Devaney - Commission for the Deaf and Hard of Hearing
Kenya Taylor - Commission for the Deaf and Hard of Hearing

VOTE: Aye: Senators Jensen, Byars, Cunningham, Johnson, Stuthman and Howard. Nay: None. Absent: Senator Erdman.

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Janet Coleman - State Board of Health
Linda Heiden - State Board of Health
Russell Hopp - State Board of Health
Pamela List - State Board of Health
Roger Reamer - State Board of Health
Robert Sandstrom - State Board of Health
Leslie Spry - State Board of Health
Daryl Wills - State Board of Health

VOTE: Aye: Senators Jensen, Byars, Cunningham, Johnson, Stuthman and Howard. Nay: None. Absent: Senator Erdman.

(Signed) Jim Jensen, Chairperson

AMENDMENT - Print in Journal

Senator Chambers filed the following amendment to LB 1008:
FA487
P. 2, in lines 11, 14, 19 and in lines 22 and 23 strike "less than" show as stricken and insert "under".

MOTIONS - Approve Appointments

Senator Jensen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 724:

Board of Emergency Medical Services
Ronald Balthazor
Bruce Beins
John W. Doyle
Dan Hakel
Val Snyder

George Tom Surber

Voting in the affirmative, 27:

Baker	Fischer	Jensen	Pahls	Smith
Burling	Flood	Kremer	Pederson, D.	Stuthman
Byars	Foley	Kruse	Preister	Wehrbein
Connealy	Friend	Langemeier	Raikes	
Cudaback	Heidemann	Louden	Schimek	
Cunningham	Hudkins	Mines	Schrock	

Voting in the negative, 0.

Present and not voting, 8:

Aguilar	Bourne	Chambers	Kopplin
Beutler	Brashear	Engel	Thompson

Excused and not voting, 14:

Brown	Erdman	Johnson	Pedersen, Dw.	Stuhr
Combs	Howard	Landis	Price	Synowiecki
Cornett	Janssen	McDonald	Redfield	

The appointments were confirmed with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

Senator Jensen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 724:

Child Abuse Prevention Fund Board

Jennie Cole-Mossman

Angela Wagner

Voting in the affirmative, 31:

Aguilar	Connealy	Hudkins	Mines	Stuhr
Baker	Cudaback	Jensen	Pahls	Stuthman
Beutler	Cunningham	Johnson	Preister	Wehrbein
Bourne	Fischer	Kremer	Raikes	
Burling	Foley	Landis	Schimek	
Byars	Friend	Langemeier	Schrock	
Chambers	Heidemann	Louden	Smith	

Voting in the negative, 0.

Present and not voting, 7:

Brashear	Flood	Kruse	Thompson
Engel	Kopplin	Pederson, D.	

Excused and not voting, 11:

Brown	Erdman	McDonald	Redfield
Combs	Howard	Pedersen, Dw.	Synowiecki
Cornett	Janssen	Price	

The appointments were confirmed with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

Senator Jensen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 724:

State Foster Care Review Board
- Linda Broderick
- Larry Brown
- James Gordon
- Gene Klein
- Joellen McGinn
- Judy Meter
- Mary Jo Pankoke
- Mario Scalora
- Gerald Schenck
- Georgina Scurfield
- Burrell Williams

Voting in the affirmative, 27:

Aguilar	Cudaback	Hudkins	Pahls	Stuhr
Baker	Cunningham	Jensen	Preister	Stuthman
Beutler	Fischer	Johnson	Raikes	Wehrbein
Bourne	Foley	Landis	Schimek	
Burling	Friend	Langemeier	Schrock	
Byars	Heidemann	Louden	Smith	

Voting in the negative, 0.

Present and not voting, 11:

Brashear	Engel	Kremer	Pederson, D.
Chambers	Flood	Kruse	Thompson
Connealy	Kopplin	Mines	

Excused and not voting, 11:

Brown	Erdman	McDonald	Redfield
Combs	Howard	Pedersen, Dw.	Synowiecki
Cornett	Janssen	Price	

The appointments were confirmed with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 292. Introduced by Kremer, 34.

WHEREAS, Marylou Andrews, an esteemed resident of Hampton, Nebraska, and a student at Aurora High School, has achieved national recognition for exemplary volunteer service by receiving a 2006 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Andrews earned this award by giving generously of her time and energy to the creation and distribution of 2,000 Child Identification DNA Kits in cooperation with the Hamilton County 4-H Club; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Andrews who use their considerable talents and resources to serve others.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. The Legislature congratulates and honors Ms. Andrews as a recipient of a Prudential Spirit of Community Award, recognizes her outstanding record of volunteer service, peer leadership, and community spirit, and extends best wishes for her continued success and happiness.

2. That a copy of this resolution be sent to her family.

Laid over.

AMENDMENT - Print in Journal

Senator Schrock filed the following amendment to LR 259CA:
AM2403

1. On page 2, line 17, strike "used" through "Act", show as stricken, and insert "distributed exclusively through competitive grants to public and private entities as determined by the Nebraska Environmental Trust Board for the purpose of conserving, enhancing, and restoring the natural physical and biological environment of Nebraska, for related transfers to the Nebraska Environmental Endowment Fund, and for related administrative costs".

2. On page 4, line 8, before the period insert "and

change provisions relating to the use of state lottery proceeds transferred to the Nebraska Environmental Trust Fund".

SELECT FILE

LEGISLATIVE BILL 975. The third Schrock pending amendment, FA485, found on page 750, was renewed.

Senator Chambers offered the following amendment to the third Schrock pending amendment:
FA488
Amendment to FA485
1. On page 1, strike beginning with "(1)" in line 2 through "a" in line 3 and insert "A"; in line 7 after "is" insert "solely"; and strike lines 9 through 22.
2. On page 2, strike lines 1 through 12.

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Beutler

Voting in the negative, 19:

Baker	Erdman	Hudkins	Louden	Stuhr
Burling	Fischer	Kremer	Mines	Stuthman
Cunningham	Foley	Landis	Schrock	Wehrbein
Engel	Heidemann	Langemeier	Smith	

Present and not voting, 22:

Aguilar	Connealy	Johnson	Pederson, D.	Synowiecki
Brashear	Cudaback	Kopplin	Preister	Thompson
Brown	Flood	Kruse	Price	
Byars	Friend	Pahls	Raikes	
Chambers	Howard	Pedersen, Dw.	Schimek	

Excused and not voting, 7:

Bourne	Cornett	Jensen	Redfield
Combs	Janssen	McDonald	

The Chambers amendment lost with 1 aye, 19 nays, 22 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENTS - Print in Journal

Senators Mines, Brashear, and Landis filed the following amendment to LB 876:
(Amendment, AM2287, is printed separately and available in the Bill Room, Room 1104.)

Senator Cunningham filed the following amendment to LB 795:
AM2395

1. On page 11, line 21, strike "or the number of years" and insert "unless a lesser number of years is".

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1116. Placed on Select File.

LEGISLATIVE BILL 196. Placed on Select File as amended.
(E & R amendment, AM7166, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 757. Placed on Select File as amended.
E & R amendment to LB 757:
AM7168

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 84-106, Revised Statutes Cumulative Supplement, 2004, is amended to read:

84-106 The Governor is authorized to call to his or her assistance and to appoint ~~any number of~~ persons necessary to assist the Superintendent of Law Enforcement and Public Safety to enforce ~~the provisions of~~ the criminal laws. The superintendent and his or her assistants, who shall be designated ~~and named~~ deputy state sheriffs, shall qualify by ~~each~~ taking and filing an oath in writing. Such ~~individuals~~ persons shall be bonded or insured as required by section 11-201. The premiums may be paid for out of appropriations made ~~available~~ to the state offices, departments, commissions, or other agencies to which such deputy state sheriffs are assigned. No deputy state sheriffs shall be assigned to the Department of Correctional Services. The superintendent and his or her assistants shall have the same powers in each of the ~~several~~ counties of the state as the sheriffs have in their respective counties, insofar as the enforcement of the criminal laws is concerned. An action against the superintendent or any of his or

her assistants for an act done by them or either of them ~~in~~ by virtue of~~,~~ or under color of their offices respectively, or for any neglect of their official duties, shall be brought ~~either~~ in Lancaster County, Nebraska, or in the county where the cause of action or some part thereof arose.

Sec. 2. Original section 84-106, Revised Statutes Cumulative Supplement, 2004, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.

2. On page 1, line 2, after "Statutes" insert "Cumulative"; in line 3 strike "supervision and"; in line 4 strike "and"; and in line 5 after "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 409. Placed on Select File as amended.
E & R amendment to LB 409:
AM7167

1. Strike the original sections and insert the following new sections:

Section 1. Section 40-104, Reissue Revised Statutes of Nebraska, is amended to read:

40-104 The homestead of a married person cannot be conveyed or encumbered unless the instrument by which it is conveyed or encumbered is executed and acknowledged by both husband and wife~~,~~ except as otherwise ~~hereinafter~~ provided in this section. The interest of either or both spouses may be conveyed or encumbered by a guardian or conservator acting in accordance with the provisions of the Nebraska Probate Code and may also be conveyed or encumbered by an attorney in fact appointed by and acting on behalf of either spouse under any power of attorney which grants the power to sell and convey real property. ~~If either the husband or wife is incompetent the homestead may be encumbered for the purpose of paying or refinancing any valid existing lien for which the homestead might be sold upon order of sale or execution, or for the purpose of paying taxes, provided the instrument by which it is to be encumbered is executed and acknowledged by the competent spouse and the interest of the incompetent person is encumbered in the manner and form provided for encumbering the interest of an incompetent person in other real property.~~ Any claim of invalidity of a deed of conveyance of homestead property because of failure to comply with the provisions of this section must be asserted within the time provided in sections 76-288 to 76-298.

Sec. 2. Original section 40-104, Reissue Revised Statutes of Nebraska, is repealed.

LEGISLATIVE BILL 860. Placed on Select File.

LEGISLATIVE BILL 795. Placed on Select File as amended.
E & R amendment to LB 795:

AM7170
1. On page 1, line 4, strike "and"; and after "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 787. Placed on Select File as amended.
E & R amendment to LB 787:
AM7173
1. On page 6, line 13, strike "section" and insert "act".

LEGISLATIVE BILL 792. Placed on Select File as amended.
E & R amendment to LB 792:
AM7171
1. On page 1, line 4, strike the second "and"; and in line 5 after "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 819. Placed on Select File.
LEGISLATIVE BILL 1066. Placed on Select File.
LEGISLATIVE BILL 833. Placed on Select File.
LEGISLATIVE BILL 789. Placed on Select File.
LEGISLATIVE BILL 1008. Placed on Select File.
LEGISLATIVE BILL 1008A. Placed on Select File.
LEGISLATIVE BILL 823. Placed on Select File.

LEGISLATIVE BILL 921. Placed on Select File as amended.
E & R amendment to LB 921:
AM7172
1. On page 4, line 5, strike "administrator" and insert "administrators".

LEGISLATIVE BILL 941. Placed on Select File.
LEGISLATIVE BILL 771. Placed on Select File.
LEGISLATIVE BILL 1067. Placed on Select File.
LEGISLATIVE BILL 1178. Placed on Select File.

LEGISLATIVE BILL 815. Placed on Select File as amended.
E & R amendment to LB 815:
AM7169
1. On page 1, lines 4 and 5, strike "large loads" and insert "other vehicles".

(Signed) Michael Flood, Chairperson

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 821. Placed on General File as amended.
Standing Committee amendment to LB 821:
AM2314

1. Strike the original sections and insert the following new section:

Section 1. Each school board shall allow the part-time enrollment of students who are also enrolled in another public, private, denominational, or parochial school or in a school which elects pursuant to section 79-1601 not to meet accreditation or approval requirements and shall establish policies and procedures for such part-time enrollment. Such policies and procedures may require part-time students to follow school policies that apply to other students at any time the part-time student is present on school grounds. Part-time enrollment shall not entitle a student to transportation or transportation reimbursements pursuant to section 79-611. Nothing in this section shall be construed to exempt any student from the compulsory attendance provisions of sections 79-201 to 79-207.

(Signed) Ron Raikes, Chairperson

SELECT FILE

LEGISLATIVE BILL 975. Senator Chambers offered the following motion:
Reconsider the vote taken on FA488.

The Chambers motion to reconsider failed with 2 ayes, 8 nays, 32 present and not voting, and 7 excused and not voting.

Senator Schrock offered the following amendment to the third Schrock pending amendment:
AM2423

(Amendments to FA485)

1. On page 1, line 14, strike "the greater of (a) ten percent or (b)".

SENATOR JANSSEN PRESIDING

Pending.

AMENDMENTS - Print in Journal

Senator Cunningham filed the following amendment to LB 1115:
AM2405

(Amendments to Standing Committee amendments, AM2038)

1. Insert the following new section:

Sec. 19. Section 25-2802, Revised Statutes Cumulative Supplement, 2004, is amended to read:

25-2802 (1) The Small Claims Court shall have subject matter jurisdiction in all civil actions of any type when the amount of money or damages or the value of the personal property

claimed does not exceed the jurisdictional amount specified in subsection (4) of this section, exclusive of interest and costs.

(2) The Small Claims Court shall have subject matter jurisdiction in civil matters when the plaintiff seeks to disaffirm, avoid, or rescind a contract or agreement for the purchase of goods or services not in excess of the jurisdictional amount specified in subsection (4) of this section, exclusive of interest and costs.

(3) The Small Claims Court shall have jurisdiction when the party defendant or his or her agent resides or is doing business within the county or when the cause of action arose within the county.

(4) The jurisdictional amount was ~~one thousand five hundred dollars through June 30, 1990, one thousand eight hundred dollars from July 1, 1990, through June 30, 1995, and two thousand one hundred dollars from July 1, 1995, through June 30, 2000. The jurisdictional amount is~~ two thousand four hundred dollars from July 1, 2000, through June 30, 2005. The jurisdictional amount is two thousand seven hundred dollars from July 1, 2005, through June 30, 2006. The jurisdictional amount is four thousand dollars from July 1, 2006, through June 30, 2010.

The Supreme Court shall ~~continue to~~ adjust the jurisdictional limit for the Small Claims Court ~~every fifth year commencing July 1, 2000~~ to be in effect for a five-year period beginning on July 1, 2010. The adjusted jurisdictional amount shall be equal to the then current jurisdictional amount adjusted by the average percentage change in the unadjusted Consumer Price Index for All Urban Consumers published by the Federal Bureau of Labor Statistics for the ~~five-year~~ four-year period preceding ~~the adjustment date~~ July 1, 2010. The jurisdictional amount shall be rounded to the nearest one-hundred-dollar amount. Thereafter the Supreme Court shall continue to adjust the jurisdictional limit for the Small Claims Court every fifth year commencing July 1, 2015. The adjusted jurisdictional amount shall be equal to the then current jurisdictional amount adjusted by the average percentage change in the unadjusted Consumer Price Index for All Urban Consumers published by the Federal Bureau of Labor Statistics for the five-year period preceding the adjustment date. The jurisdictional amount shall be rounded to the nearest one-hundred-dollar amount.

2. On page 17, line 26, strike "33" and insert "34".

3. On page 33, line 14, strike "29, 30, 38, 39, 40, and 44" and insert "30, 31, 39, 40, 41, and 45"; and in line 25 after the first comma insert "25-2802,".

4. Renumber remaining sections accordingly.

Senator Kremer filed the following amendment to LB 346:
AM2418

(Amendments to Standing Committee amendments, AM0284)

1. Strike amendments 1 and 2 and insert the following amendments:

1. Strike original section 11 and insert the following new section:

Sec. 11. The changes made in sections 77-5201, 77-5203, 77-5208, 77-5209, and 77-5211 to 77-5213 by this legislative bill shall become operative for all credits earned in tax years beginning or deemed to begin on and after January 1, 2007, under the Internal Revenue Code of 1986, as amended. For all credits earned in tax years beginning or deemed to begin, prior to January 1, 2007, under the code, the provisions of the Beginning Farmer Tax Credit Act as they existed prior to such date shall apply.

2. On page 4, line 7, strike "section 6" and insert "sections 6 and 11".

3. On page 6, line 22, strike "and", show as stricken and insert ". The board"; and in line 26 before the period insert "and qualified beginning farmers and livestock producers as eligible for the tax credit authorized by section 6 of this act".

4. On page 8, line 10, strike beginning with "Beginning" through "a" and insert "A"; and in line 22 strike beginning with "Beginning" through "an", show as stricken, and insert "An".

5. On page 10, line 28, strike the new matter and reinstate the stricken matter.

2. Renumber the remaining amendment accordingly.

Senators Jensen, Byars, Cunningham, Erdman, Howard, Johnson, and Stuthman filed the following amendment to LB 994:
AM2157

1. Insert the following new sections:

Sec. 25. Section 68-1713, Reissue Revised Statutes of Nebraska, is amended to read:

68-1713 (1) The Department of Health and Human Services shall submit a waiver request or requests to the United States Department of Health and Human Services and the United States Department of Agriculture as necessary for federal authorization to implement the provisions of the Welfare Reform Act. The Department of Health and Human Services may include the provisions of sections 68-1718 to 68-1726 in its waiver requests and shall designate counties for implementation on or after July 1, 1995, of such sections for recipient families in the aid to dependent children program. It is the intent of the Legislature that such designated counties include at least one county with a population of not more than thirty-five thousand inhabitants and one county with a population of at least one hundred fifty thousand inhabitants but not more than three hundred thousand inhabitants.

The Department of Health and Human Services shall implement the following policies:

(a) Permit Work Experience in Private for Profit Enterprises;

(b) Permit Job Search; ~~to Extend Beyond Eight Weeks Each Year;~~

(c) Permit Employment to be Considered a JOBS Program Component;

(d) Make Sanctions More Stringent to Emphasize Participant Obligations;

(e) Alternative Hearing Process;

(f) Permit Adults in Two-Parent Households to Participate in JOBS Activities Based on Their Self-Sufficiency Needs;

(g) Eliminate Exemptions for Individuals with Children Between the Ages of 12 Weeks and Age Six;

(h) Providing Poor Working Families with Transitional Child Care to Ease the Transition from Welfare to Self-Sufficiency;

(i) Provide Transitional Health Care for 12 Months After Termination of ADC;

(j) Cap Family Benefits Based on the Number of Children in the Unit at the Time of Initial Eligibility;

(k) Require Adults to Ensure that Children in the Family Unit Attend School;

(l) Encourage Minor Parents to Live with Their Parents;

(m) Establish a Resource Limit of $4,000 for a single individual and $6,000 for two or more individuals for ADC;

(n) Exclude the Value of One Vehicle Per Family When Determining ADC Eligibility;

(o) Exclude the Cash Value of Life Insurance Policies in Calculating Resources for ADC;

(p) Permit the Self-Sufficiency Contract Assessment to Substitute for the Six-Month ADC Redetermination Process;

(q) Establish Food Stamps as a Continuous Benefit with Eligibility Reevaluated with Yearly Redeterminations;

(r) Establish a Budget the Gap Methodology Whereby Countable Earned Income is Subtracted from the Standard of the Need and Payment is Based on the Difference or Maximum Payment Level, Whichever is Less. That this Gap be Established at a Level that Encourages Work but at Least at a Level that Ensures that Those Currently Eligible for ADC do not Lose Eligibility Because of the Adoption of this Methodology;

(s) Adopt an Earned Income Disregard of Twenty Percent of Gross Earnings in the ADC Program and One Hundred Dollars in the Related Medical Assistance Program;

(t) Disregard Financial Assistance Received Intended for Books, Tuition, or Other Self-Sufficiency Related Use;

(u) Culture: Eliminate the 100-Hour Rule, The Quarter of Work Requirement, and The 30-Day Unemployed/Underemployed Period for ADC-UP Eligibility;

(v) Make ADC a Time-Limited Program;

(w) Eliminate Self-Initiated Training as a JOBS Option; and

(x) Other Waivers: Statewide Operation of the

Demonstration Project.

At the end of the first year of implementation, the department shall identify any adjustments or adaptations that may be needed before the policies of the Welfare Reform Act are implemented in other areas of the state. Such review shall include an evaluation of the impact of such policies. The department shall implement the policies in additional counties as necessary to complete statewide implementation.

(2) The Department of Health and Human Services shall (a) apply for a waiver to allow for a sliding-fee schedule for the population served by the caretaker relative program or (b) pursue other public or private mechanisms, to provide for transitional health care benefits to individuals and families who do not qualify for cash assistance. It is the intent of the Legislature that transitional health care coverage be made available on a sliding-scale basis to individuals and families with incomes up to one hundred eighty-five percent of the federal poverty level if other health care coverage is not available.

Sec. 26. Section 68-1721, Reissue Revised Statutes of Nebraska, is amended to read:

68-1721 (1) Under the self-sufficiency contract developed under section 68-1719, the principal wage earner and other nonexempt members of the applicant family shall be required to participate in one or more of the following: Education, job skills training, work experience, job search, or employment.

(2) Education shall consist of the general education development program, high school, Adult Basic Education, English as a Second Language, postsecondary education, or other education programs approved in the contract.

(3) Job skills training shall include vocational training in technical job skills and equivalent knowledge. Activities shall consist of formalized, technical job skills training, apprenticeships, on-the-job training, or training in the operation of a microbusiness enterprise. The types of training, apprenticeships, or training positions may include, but need not be limited to, the ability to provide services such as home repairs, automobile repairs, respite care, foster care, personal care, and child care. Job skills training shall be prioritized and approved for occupations that facilitate economic self-sufficiency.

(4) The purpose of work experience shall be to improve the employability of applicants by providing work experience and training to assist them to move promptly into regular public or private employment. Work experience shall mean unpaid work in a public, private, for-profit, or nonprofit business or organization. Work experience placements shall take into account the individual's prior training, skills, and experience. ~~A placement shall not exceed three months.~~

(5) Job search shall assist adult members of recipient families in finding their own jobs. The emphasis shall be placed on

teaching the individual to take responsibility for his or her own job development and placement. ~~If an intensive job search does not result in employment within three months, the comprehensive assets assessment and the self-sufficiency contract shall be reassessed.~~

(6) Employment shall consist of work for pay. The employment may be full-time or part-time but shall be adequate to help the recipient family reach economic self-sufficiency.

2. Renumber the remaining sections accordingly.

3. Correct internal references and the repealer so that the sections inserted by this amendment become operative on their effective date with the emergency clause.

Senator Erdman filed the following amendment to LB 853:
AM2421

(Amendments to E & R amendments, AM7161)

1. Insert the following new sections:

Sec. 15. Section 60-601, Reissue Revised Statutes of Nebraska, is amended to read:

60-601 Sections 60-601 to 60-6,377 and section 16 of this act shall be known and may be cited as the Nebraska Rules of the Road.

Sec. 16. Local authorities may place and maintain road name signs on the same sign posts as signs under the jurisdiction of the Department of Roads when highway visibility would not be impaired. Local authorities may also place and maintain road name signs in the right-of-way of any highway under the jurisdiction of the Department of Roads when highway visibility would not be impaired.

2. On page 19, line 7, strike "19" and insert "20"; and in line 12 after "60-4,139," insert "60-601,".

3. Renumber the remaining sections accordingly.

Senators Cudaback and Baker filed the following amendment to LB 663:
(Amendment, AM1816, is printed separately and available in the Bill Room, Room 1104.)

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 166A. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 166, Ninety-ninth Legislature, Second Session, 2006.

LEGISLATIVE BILL 1261A. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to

aid in carrying out the provisions of Legislative Bill 1261, Ninety-ninth Legislature, Second Session, 2006.

VISITORS

Visitors to the Chamber were Beth, Katie, Robbie, and Matthew Litzenberger from Brady; and Norm and Phyllis Saale from Grand Island.

The Doctor of the Day was Dr. Kevin Wycoff from Hastings.

ADJOURNMENT

At 11:56 a.m., on a motion by Senator Fischer, the Legislature adjourned until 9:00 a.m., Friday, February 24, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-THIRD DAY - FEBRUARY 24, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 24, 2006

PRAYER

The prayer was offered by Pastor Brad Boyer, St. John and Zion Lutheran Churches, Chester and Hubbell.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Combs, Engel, McDonald, and Redfield who were excused; and Senators Beutler, Brashear, Cornett, Kremer, and Dw. Pedersen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-second day was approved.

REPORT

The following report was received by the Legislature:

Southeast Community College
Nebraska Center for Excellence in Electronics, Audit of Financial Statements for the years ended September 30, 2005 and 2004

SELECT FILE

LEGISLATIVE BILL 1019. E & R amendment, AM7163, printed separately and referred to on page 707, was adopted.

Senator Stuhr renewed her pending amendment, AM2368, found on page 744.

The Stuhr amendment was adopted with 27 ayes, 0 nays, 12 present and not

voting, and 10 excused and not voting.

Senator Bourne offered the following amendment:
AM2350

(Amendments to E & R amendments, AM7163)

1. Insert the following new sections:

Sec. 10. Section 79-916, Revised Statutes Cumulative Supplement, 2004, is amended to read:

79-916 (1)(a) Beginning July 1, 2002, and until June 30, 2004, the board shall transfer the actuarial value of the service annuity liability accrued within the prior fiscal year of the employees who serve a Class V school district and participate in the retirement system established pursuant to the Class V School Employees Retirement Act upon receipt of a certification from the school district as to the number of employees who have accrued a service annuity benefit for such fiscal year. Upon receipt of the certification, the board shall cause to be transferred to the funds of the retirement system of which such employees are members the actuarial value, as determined pursuant to section 79-966.01, of the service annuities to be paid by the state for the years of service thus certified in the same amount and basis as provided for members of the School Retirement System of the State of Nebraska under sections 79-933 and 79-952. Such transfer of actuarial value to the Class V ~~School Employees Retirement System~~ school district's retirement system shall be in lieu of the payment of the service annuity to which such employees would be otherwise entitled. The Class V school district which such employees serve shall furnish to the retirement board all information required by the retirement board regarding service records of its employees.

(b) On July 1, 2004, the board shall transfer from the School Retirement Fund to the Service Annuity Fund an amount equal to the funded ratio of the retirement system which is equal to the market value of the retirement system assets divided by the actuarial accrued liability of the retirement system, times the actuarial accrued liability of the service annuity, as determined pursuant to section 79-966.01, of the employees who are members of the retirement system established pursuant to the Class V School Employees Retirement Act. Such actuarial accrued liability shall be determined for each employee on a level dollar basis. On or before July 1 of each fiscal year thereafter, the state shall deposit into the Service Annuity Fund such amounts as may be necessary to pay the normal cost and amortize the unfunded actuarial accrued liability of the service annuity, as determined pursuant to section 79-966.01, as of the end of the previous fiscal year of the employees who are members of the retirement system established pursuant to the Class V School Employees Retirement Act. Based on the fiscal year of the retirement system established pursuant to the Class V School Employees Retirement Act, the administrator of such system shall provide all membership information needed for the

actuary engaged by the retirement board to determine the normal cost and the amortization payment of the unfunded actuarial accrued liability, as determined pursuant to section 79-966.01, to be paid by the state to the Service Annuity Fund each fiscal year as required by this subdivision.

(c) At the time of retirement of any employee who is a member of the retirement system established pursuant to the Class V School Employees Retirement Act, the retirement board shall, upon receipt of a certification of the administrator of such retirement system of the name, identification number, date of birth, retirement date, last date of employment, type of retirement, and number of years of service credited to such eligible employee at the date of retirement, transfer to such retirement system from the Service Annuity Fund the actuarial accrued liability of the service annuity to be paid by the state to the eligible employee for the years of service thus certified as provided for members of the School Employees Retirement System of the State of Nebraska under sections 79-933 and 79-952. Such transfer of the actuarial accrued liability to the retirement system established pursuant to the Class V School Employees Retirement Act shall be in lieu of the payment of the service annuity to which the employee would be entitled.

(d) The Service Annuity Fund is created. The fund shall consist of the amounts paid by the state and transferred from the School Retirement Fund pursuant to this section to pay the service annuity to be paid by the state to employees who are members of the retirement system established pursuant to the Class V School Employees Retirement Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) In addition to the transfer of the actuarial accrued liability of the service annuity to be paid by the state, the state shall also transfer to the funds of the Class V school district's retirement system an amount determined by multiplying the compensation of all members of such retirement system by the percent specified in subsection (2) of section 79-966 for determining the amount of the state's payment to the School Retirement Fund plus the amount determined under subdivision (1)(b) of section 79-966. The transfer shall be made annually on or before July 1 of each fiscal year.

Sec. 11. Section 79-966, Revised Statutes Cumulative Supplement, 2004, is amended to read:

79-966 ~~(1)~~ (1)(a) On the basis of all data in the possession of the retirement board, including such mortality and other tables as are recommended by the actuary engaged by the retirement board and adopted by the retirement board, the retirement board shall annually, on or before July 1, determine the state deposit to be made by the state in the School Retirement

Fund for that fiscal year. The amount of such state deposit shall be determined pursuant to section 79-966.01. The retirement board shall thereupon certify the amount of such state deposit, and on the warrant of the Director of Administrative Services, the State Treasurer shall, as of July 1 of such year, transfer from funds appropriated by the state for that purpose to the School Retirement Fund the amount of such state deposit.

(b) The state deposit required by this subsection shall be calculated as a percent of compensation of all members of the retirement system. For any year in which a deposit is made to the School Retirement Fund under this subsection, if the actuary employed by the Class V school district's retirement system determines that the actuarially required contribution rate exceeds the rate of all contributions required pursuant to the Class V School Employees Retirement Act, using the thirty-year amortization period specified in section 79-966.01, the state shall transfer to the funds of the Class V school district's retirement system an amount determined by multiplying the compensation of all members of such retirement system by the lesser of the percent of compensation deposited into the School Retirement Fund under this subsection or the percent of compensation of the members of the Class V school district's retirement system needed to meet the actuarially required contribution rate for the Class V school district's retirement system, using the thirty-year amortization period specified in section 79-966.01. The amount of transfer so calculated shall be added to the seven-tenths of one percent specified in subsection (2) of this section for the amount required by subsection (2) of section 79-916 to be transferred to the funds of the Class V school district's retirement system.

(2) In addition to the state deposits required by subsections (1) and (3) of this section, the state shall deposit in the School Retirement Fund an amount equal to seven-tenths of one percent of the compensation of all members of the retirement system for each fiscal year on or after July 1, 1984.

(3) In addition to the state deposits required by subsections (1) and (2) of this section, beginning on July 1, 2005, and each fiscal year thereafter, the state shall deposit in the Service Annuity Fund such amounts as may be necessary to pay the normal cost and amortize the unfunded actuarial accrued liability of the service annuity benefit established pursuant to sections 79-933 and 79-952 as accrued through the end of the previous fiscal year of the school employees who are members of the retirement system established pursuant to the Class V School Employees Retirement Act.

Sec. 27. Original sections 79-916 and 79-966, Revised Statutes Cumulative Supplement, 2004, are repealed.

2. On page 79, line 5, after the period insert "Sections 10, 11, and 27 of this act become operative on July 1, 2006.".

3. Renumber the remaining sections and correct internal references accordingly.

Pending.

ANNOUNCEMENT

The Chair announced today is Senator Kruse's birthday.

SELECT FILE

LEGISLATIVE BILL 1019. The Bourne pending amendment, AM2350, found in this day's Journal, was renewed.

Senator Bourne withdrew his amendment.

Advanced to E & R for engrossment.

STANDING COMMITTEE REPORT
Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Marquis Reed Gilmore - Oil and Gas Conservation Commission

VOTE: Aye: Senators Hudkins, Kopplin, Kremer, Louden, McDonald, Schrock, Smith, Stuhr. Nay: None. Absent: None.

(Signed) Ed Schrock, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 293. Introduced by Kopplin, 3.

WHEREAS, Joe Janovich of Gretna High School won the one hundred seventy-one pound weight class in the Class B Nebraska High School wrestling championship on February 19, 2006; and

WHEREAS, this is Joe's second state wrestling championship, having also won in 2005, and the third time he has placed, finishing third in 2003; and

WHEREAS, Joe finished his high school wrestling career with one hundred twenty-six victories, including seventy-four consecutive wins leading up to and including this year's championship; and

WHEREAS, Joe Janovich now holds the Gretna High School wrestling record for most victories in a career.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Joe Janovich on his championship and his career achievements.
2. That a copy of this resolution be sent to Joe Janovich.

Laid over.

SPEAKER BRASHEAR PRESIDING

GENERAL FILE

LEGISLATIVE BILL 663. Title read. Considered.

The Standing Committee amendment, AM0800, found on page 865, First Session, 2005, was considered.

SENATOR BOURNE PRESIDING

The Standing Committee amendment lost with 2 ayes, 27 nays, 15 present and not voting, and 5 excused and not voting.

Senator Cudaback renewed the Cudaback-Baker pending amendment, AM1816, printed separately and referred to on page 769.

Senator Chambers offered the following amendment to the Cudaback-Baker pending amendment:
FA489
Amendment to AM1816
P. 1, line 23 and page 2, lines 7 and 22 strike "may be" show as stricken and insert "are".

SENATOR JANSSEN PRESIDING

The Chambers amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Senator Chambers offered the following amendment to the Cudaback-Baker pending amendment:
FA490
Amendment to AM1816
P. 2, line 9 strike "meet" show as stricken and insert "comply with".

The Chambers amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Senator Chambers offered the following amendment to the Cudaback-Baker pending amendment:
FA491
Amendment to AM1816

P. 2, in lines 19 and 26 strike "physical" show as stricken and insert "actual".

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment to the Cudaback-Baker pending amendment:
FA492
Amendment to AM1816
P. 2, line 23 strike "an instrument in writing" show as stricken and insert "a written instrument as".

The Chambers amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Senator Chambers offered the following amendment to the Cudaback-Baker pending amendment:
FA493
Amendment to AM1816
P. 2, line 17 strike "otherwise" show as stricken and insert "entity or person".

The Chambers amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Senator Chambers offered the following amendment to the Cudaback-Baker pending amendment:
FA494
Amendment to AM1816
P. 2, line 17 after "dealer," insert "thief".

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment to the Cudaback-Baker pending amendment:
FA495
Amendment to AM1816
P. 2, line 12 after "60-180" insert "which no person in his or her right mind wants to suffer".

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment to the Cudaback-Baker pending amendment:
FA496
Amendment to AM1816
P. 3, line 2 strike "in any case at law or in equity" show as stricken.

The Chambers amendment was adopted with 27 ayes, 0 nays, 17 present and

not voting, and 5 excused and not voting.

Senator Chambers offered the following amendment to the Cudaback-Baker pending amendment:
FA497
Amendment to AM1816
P. 5, in lines 1 and 2 after "with" insert "knowledge of and", strike "in" and insert "pertaining to".

The Chambers amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Senator Chambers offered the following amendment to the Cudaback-Baker pending amendment:
FA498
Amendment to AM1816
P. 5, line 9 strike "established" and after "bylaws" insert "filed with the Secretary of State."

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment to the Cudaback-Baker pending amendment:
FA499
Amendment to AM1816
P. 5, line 17 strike "may" and insert "shall".

The Chambers amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Senator Chambers offered the following amendment to the Cudaback-Baker pending amendment:
FA500
Amendment to AM1816
P. 5, line 25 after "as" insert "may be".

The Chambers amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Senator Chambers offered the following amendment to the Cudaback-Baker pending amendment:
FA501
Amendment to AM1816
P. 5, line 27 strike "complete" and insert "completed".

The Chambers amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

The Cudaback-Baker pending amendment, AM1816, printed separately and referred to on page 769 and considered in this day's Journal, as amended, was renewed.

The Cudaback-Baker amendment, as amended, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

SENATOR CUDABACK PRESIDING

LEGISLATIVE BILL 1115. Title read. Considered.

The Standing Committee amendment, AM2038, printed separately and referred to on page 718, was considered.

Senator Cunningham renewed his pending amendment, AM2405, found on page 764, to the Standing Committee amendment.

Pending.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 971. Placed on General File as amended.
Standing Committee amendment to LB 971:
AM2451

1. On page 3, line 3; and page 7, line 2, strike "FY2004-05" and insert "FY2005-06".
2. On page 3, line 5; and page 7, line 4, strike "annually".
3. On page 3, line 6; and page 7, line 5, after "district" insert "for fiscal year 2006-07 and not to exceed two cents on each one hundred dollars of taxable valuation annually on all of the taxable property within the district for fiscal years 2007-08 and 2008-09".

LEGISLATIVE BILL 997. Placed on General File as amended.
(Standing Committee amendment, AM2457, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 1198. Placed on General File as amended.
Standing Committee amendment to LB 1198:
AM2450

1. On page 6, strike beginning with "ten" in line 9 through "uses" in line 11 and insert "one hundred thousand gallons annually".

2. On page 10, strike beginning with "off-road" in line 7 through "gallons" in line 8 and insert "nonhighway uses".

LEGISLATIVE BILL 976. Indefinitely postponed.

(Signed) David Landis, Chairperson

Education

LEGISLATIVE BILL 1012. Placed on General File as amended.
Standing Committee amendment to LB 1012:
AM2414

1. Insert the following new sections:

Section 1. Section 85-957, Reissue Revised Statutes of Nebraska, is amended to read:

85-957 Peru State College may maintain its existing baccalaureate general academic, baccalaureate occupational, and baccalaureate professional degree programs~~,~~ and shall limit new baccalaureate degree programs to the needs of its unique service area generally defined as the state's southeast region. Peru's cooperative master's degree program in education with the university may be maintained. Subject to approval by the Board of Trustees of the Nebraska State Colleges, Peru State College may offer a Master of Science degree in organization management with a focus in entrepreneurial and economic development.

Sec. 3. Section 85-1903, Revised Statutes Cumulative Supplement, 2004, is amended to read:

85-1903 Award means a grant of money by the commission to an eligible student for educational expenses. Awards shall not exceed:

(1) For award years prior to the ~~2006-07~~ 2007-08 award year:

(a) For students who received an award from the Postsecondary Education Award Program Act, the Scholarship Assistance Program Act, or the State Scholarship Award Program Act for the 2002-03 award year, the greater of the total awards received by the student pursuant to such acts for the 2002-03 award year or one-half of the tuition and mandatory fees for a full-time, resident, undergraduate student for the last completed award year at the University of Nebraska-Lincoln; or

(b) For students who did not receive an award from the Postsecondary Education Award Program Act, the Scholarship Assistance Program Act, or the State Scholarship Award Program Act for the 2002-03 award year, one-half of the tuition and mandatory fees for a full-time, resident, undergraduate student for the last completed award year at the University of Nebraska-Lincoln; and

(2) For the ~~2006-07~~ 2007-08 award year and each award year thereafter, twenty-five percent of the tuition and mandatory fees for a full-time, resident, undergraduate student for the last

completed award year at the University of Nebraska-Lincoln.

2. Amend the repealer and renumber the remaining sections accordingly.

(Signed) Ron Raikes, Chairperson

Natural Resources

LEGISLATIVE BILL 359. Placed on General File as amended.
Standing Committee amendment to LB 359:
AM2335

1. Insert the following new section:

Sec. 2. Section 61-202, Reissue Revised Statutes of Nebraska, is amended to read:

61-202 The Director of Natural Resources may employ such personnel, including legal and technical advisors, as necessary to carry out the duties required of the director. All powers and duties lawfully conferred upon the Department of Natural Resources shall be exercised under the direction of the director. The director shall:

(1) Have charge of the records of the department;

(2) Cause accurate and complete books of account to be kept;

(3) Supervise the signing of vouchers and orders for supplies, materials, and any other expenditures;

(4) Contract for consulting services;

(5) Employ all engineers, assistants, clerks, agents, advisors, technicians, and other employees required for the proper transaction of the business of the department and fix their titles, determine their duties and compensation, and discharge them in the discretion of the director;

(6) Sign and execute or supervise the signing and executing of all documents and papers; and

(7) Work with the Nebraska Natural Resources Commission to develop and implement the policies and programs of the commission.

2. On page 2, strike beginning with "and" in line 5 through line 12, show the old matter as stricken, and insert an underscored period; and in line 13 strike "section 61-201" and insert "sections 61-201 and 61-202".

3. Renumber the remaining section accordingly.

(Signed) Ed Schrock, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 215. Indefinitely postponed.
LEGISLATIVE BILL 328. Indefinitely postponed.
LEGISLATIVE BILL 369. Indefinitely postponed.

LEGISLATIVE BILL 447. Indefinitely postponed.
LEGISLATIVE BILL 1021. Indefinitely postponed.

(Signed) Elaine Stuhr, Chairperson

MOTIONS - Print in Journal

Senator Bourne filed the following motion to LB 72:
Recommit LB 72 to Committee.

Senator Cornett filed the following motion to LB 72:
Indefinitely postpone LB 72.

Senator Cornett filed the following motion to LB 72:
Bracket LB 72 until April 10, 2006.

Senator Cornett filed the following motion to LB 72:
Bracket LB 72.

AMENDMENTS - Print in Journal

Senator Jensen filed the following amendment to LB 994:
(Amendment, AM2442, is printed separately and available in the Bill Room, Room 1104.)

Senator Bourne filed the following amendment to LB 1115:
AM2400

(Amendments to Standing Committee amendments, AM2038)

1. Strike sections 41, 43, 44, and 45 and insert the following new sections:

Sec. 42. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 31, 32, 33, 34, 35, 36, 37, 41, 43, and 46 of this act become operative three calendar months after adjournment of this legislative session. Sections 29, 30, 38, 39, 40, and 44 of this act become operative on January 1, 2007. The other sections of this act become operative on their effective date.

Sec. 43. Original sections 25-214, 25-302, 25-307, 25-308, 25-316, 25-322, 25-325, 25-326, 25-329, 25-2009, 29-812, 29-814.01, 30-2603, 43-247, 43-2,129, 43-1314, 44-3311, 71-507, 71-510, and 84-917, Reissue Revised Statutes of Nebraska, and sections 25-2720.01, 29-4202, 29-4203, 29-4204, 29-4205, 29-4206, and 29-4207, Revised Statutes Cumulative Supplement, 2004, are repealed.

Sec. 44. Original sections 42-116 and 42-371.01, Reissue Revised Statutes of Nebraska, sections 71-612 and 71-628, Revised Statutes Cumulative Supplement, 2004, and section 71-601.01, Revised Statutes Supplement, 2005, are repealed.

Sec. 45. Original section 42-108, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 47. Since an emergency exists, this act takes effect when passed and approved according to law.

2. Renumber the remaining sections accordingly.

Senator Brashear filed the following amendment to LB 647:
(Amendment, AM2460, is printed separately and available in the Bill Room, Room 1104.)

Senator Mines filed the following amendment to LB 875:
AM2446

(Amendments to Final Reading copy)

1. Insert the following new section:

Sec. 21. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

2. On page 2, line 1, after the first semicolon insert "to provide severability;".

3. On page 8, line 2, after the last comma insert "and until December 31, 2005,"; in line 19 strike "and (3)(b)(iv)" and insert ", (3)(b)(iv), and (3)(b)(v)"; and strike beginning with "July" in line 24 through "of" in line 25 and insert "the forty-fifth day following the last day of the calendar quarter in which the insurer transfers".

4. Renumber the remaining sections and correct internal references accordingly.

Senator Cornett filed the following amendment to LB 72:
FA502
Amendment to AM2211
Strike starting with the word "An" on page 1, line 19, through the word "State" on page 2, line 3.

RESOLUTION

LEGISLATIVE RESOLUTION 294. Introduced by Landis, 46; Beutler, 28; Byars, 30; Connealy, 16; Preister, 5; Schimek, 27; Synowiecki, 7; Thompson, 14.

WHEREAS, the Nebraska Appleseed Center for Law in the Public Interest was incorporated as a nonprofit corporation on March 5, 1996; and

WHEREAS, its mission to advance policies and practices that promote self-sufficiency for Nebraska's working poor families, promote the integration and participation of immigrant populations in communities across Nebraska, provide safe and adequate child welfare services to children who need protection, increase low-income people's access to the legal system, and support democracy by removing barriers to low-income

people's participation in electoral and public policy decisionmaking processes is being successfully carried out; and

WHEREAS, the Nebraska Appleseed Center's legal and policy work on behalf of unrepresented and underrepresented groups and individuals has helped to fill gaps in the provision of legal services in Nebraska to these individuals and groups.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes the Nebraska Appleseed Center for Law in the Public Interest, its Board of Directors, staff, and supporters and congratulates them on a decade of sowing the seeds of justice in Nebraska for many of Nebraska's most vulnerable citizens.

2. That a copy of this resolution be sent to the Nebraska Appleseed Center for Law in the Public Interest.

Laid over.

VISITORS

Visitors to the Chamber were Samantha and Rob Bock from Allen; Jack Horner and Roger Jasnock from Kearney; Thomas Wininger and Taylor Pugh from Johnson-Brock High School; members of the Attorney General's Youth Advisory Council from across Nebraska; Senator Bourne's parents, Jack and Bev Bourne, from Omaha; and Senator Dw. Pedersen's wife, Priscilla, sister-in-law, Kathy Dougherty, and daughter and son-in-law, Megan and Michael Nelson, from Elkhorn.

The Doctor of the Day was Dr. Dorothy Zink from Omaha.

ADJOURNMENT

At 12:04 p.m., on a motion by Senator Preister, the Legislature adjourned until 10:00 a.m., Monday, February 27, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

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THIRTY-FOURTH DAY - FEBRUARY 27, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 27, 2006

PRAYER

The prayer was offered by Pastor Nancy Leonard, St. Paul United Methodist Church, South Sioux City.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator McDonald who was excused; and Senators Cornett, Heidemann, Landis, Louden, and D. Pederson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-third day was approved.

MOTIONS - Approve Appointments

Senator Jensen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 755:

Commission for the Blind and Visually Impaired
Nancy Oltman
Darrell Walla

Voting in the affirmative, 31:

Aguilar	Cudaback	Howard	Mines	Stuthman
Baker	Cunningham	Hudkins	Pedersen, Dw.	Thompson
Burling	Engel	Janssen	Preister	Wehrbein
Byars	Erdman	Jensen	Raikes	
Chambers	Fischer	Johnson	Redfield	
Combs	Flood	Kremer	Schimek	
Connealy	Foley	Langemeier	Schrock	

Voting in the negative, 0.

Present and not voting, 12:

Beutler	Brown	Kruse	Smith
Bourne	Friend	Pahls	Stuhr
Brashear	Kopplin	Price	Synowiecki

Excused and not voting, 6:

Cornett	Landis	McDonald
Heidemann	Louden	Pederson, D.

The appointments were confirmed with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Senator Jensen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 756:

Commission for the Deaf and Hard of Hearing
James Devaney
Kenya Taylor

Voting in the affirmative, 32:

Aguilar	Cunningham	Howard	Langemeier	Stuhr
Baker	Engel	Hudkins	Louden	Stuthman
Byars	Erdman	Janssen	Pahls	Thompson
Chambers	Fischer	Jensen	Pedersen, Dw.	Wehrbein
Combs	Flood	Johnson	Preister	
Connealy	Friend	Kopplin	Raikes	
Cudaback	Heidemann	Kremer	Redfield	

Voting in the negative, 0.

Present and not voting, 13:

Beutler	Brown	Kruse	Schimek	Synowiecki
Bourne	Burling	Mines	Schrock	
Brashear	Foley	Price	Smith	

Excused and not voting, 4:

Cornett	Landis	McDonald	Pederson, D.

The appointments were confirmed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Senator Jensen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 756:

State Board of Health
Janet Coleman
Linda Heiden
Russell Hopp
Pamela List
Roger Reamer
Robert Sandstrom
Leslie Spry
Daryl Wills

Senator Chambers requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:
Senator Jensen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 756:

State Board of Health
Janet Coleman

Voting in the affirmative, 37:

Aguilar	Connealy	Heidemann	Langemeier	Schrock
Baker	Cornett	Hudkins	Louden	Smith
Beutler	Cudaback	Janssen	Mines	Stuhr
Bourne	Erdman	Jensen	Pahls	Stuthman
Brown	Fischer	Johnson	Price	Wehrbein
Burling	Flood	Kopplin	Raikes	
Byars	Foley	Kremer	Redfield	
Chambers	Friend	Landis	Schimek	

Voting in the negative, 0.

Present and not voting, 9:

Combs	Engel	Kruse	Preister	Thompson
Cunningham	Howard	Pedersen, Dw.	Synowiecki	

Excused and not voting, 3:

Brashear	McDonald	Pederson, D.

The appointment was confirmed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

The second division is as follows:
Senator Jensen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 756:
State Board of Health
Linda Heiden

Voting in the affirmative, 31:

Aguilar	Connealy	Hudkins	Mines	Smith
Baker	Cornett	Janssen	Pahls	Stuhr
Beutler	Cudaback	Jensen	Pedersen, Dw.	Stuthman
Bourne	Erdman	Kopplin	Pederson, D.	
Burling	Fischer	Kruse	Preister	
Byars	Foley	Landis	Price	
Chambers	Howard	Langemeier	Schimek	

Voting in the negative, 0.

Present and not voting, 14:

Brown	Engel	Heidemann	Raikes	Synowiecki
Combs	Flood	Johnson	Redfield	Thompson
Cunningham	Friend	Kremer	Schrock	

Excused and not voting, 4:

Brashear	Louden	McDonald	Wehrbein

The appointment was confirmed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

The third division is as follows:
Senator Jensen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 756:
State Board of Health
Russell Hopp

Senator Chambers requested a roll call vote.

Voting in the affirmative, 34:

Aguilar	Combs	Flood	Kopplin	Raikes
Baker	Connealy	Foley	Kremer	Redfield
Beutler	Cornett	Heidemann	Landis	Schrock
Bourne	Cudaback	Howard	Langemeier	Smith
Brashear	Engel	Janssen	Mines	Stuhr
Brown	Erdman	Jensen	Pahls	Thompson
Byars	Fischer	Johnson	Price	

Voting in the negative, 0.

Present and not voting, 11:

Chambers	Hudkins	Pederson, D.	Stuthman
Cunningham	Kruse	Preister	Synowiecki
Friend	Pedersen, Dw.	Schimek	

Excused and not voting, 4:

Burling	Louden	McDonald	Wehrbein

The appointment was confirmed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

The fourth division is as follows:
Senator Jensen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 756:
State Board of Health
Pamela List

Voting in the affirmative, 32:

Aguilar	Combs	Foley	Kopplin	Redfield
Baker	Connealy	Friend	Kremer	Smith
Bourne	Cornett	Howard	Louden	Stuhr
Brashear	Cudaback	Hudkins	Pahls	Stuthman
Brown	Engel	Janssen	Pederson, D.	
Byars	Erdman	Jensen	Price	
Chambers	Fischer	Johnson	Raikes	

Voting in the negative, 0.

Present and not voting, 13:

Beutler	Heidemann	Mines	Schimek	Thompson
Cunningham	Kruse	Pedersen, Dw.	Schrock	
Flood	Langemeier	Preister	Synowiecki	

Excused and not voting, 4:

Burling	Landis	McDonald	Wehrbein

The appointment was confirmed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Pending.

SPEAKER BRASHEAR PRESIDING

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 289 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 289.

SENATOR CUDABACK PRESIDING

MOTIONS - Approve Appointments

The fifth division is as follows:
Senator Jensen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 756:
State Board of Health
Roger Reamer

Voting in the affirmative, 29:

Aguilar	Combs	Fischer	Jensen	Raikes
Baker	Connealy	Foley	Johnson	Redfield
Bourne	Cornett	Friend	Kopplin	Schrock
Brown	Cudaback	Howard	Louden	Smith
Byars	Engel	Hudkins	Mines	Stuthman
Chambers	Erdman	Janssen	Pederson, D.	

Voting in the negative, 0.

Present and not voting, 16:

Beutler	Heidemann	Pahls	Schimek
Brashear	Kremer	Pedersen, Dw.	Stuhr
Cunningham	Kruse	Preister	Synowiecki
Flood	Langemeier	Price	Thompson

Excused and not voting, 4:

Burling	Landis	McDonald	Wehrbein

The appointment was confirmed with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

The sixth division is as follows:
Senator Jensen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 756:
State Board of Health
Robert Sandstrom

Voting in the affirmative, 28:

Aguilar	Connealy	Friend	Langemeier	Redfield
Baker	Cornett	Howard	Louden	Schrock
Bourne	Cudaback	Hudkins	Mines	Smith
Brown	Engel	Jensen	Pederson, D.	Stuthman
Byars	Erdman	Kopplin	Price	
Chambers	Fischer	Kremer	Raikes	

Voting in the negative, 0.

Present and not voting, 17:

Beutler	Flood	Johnson	Preister	Thompson
Brashear	Foley	Kruse	Schimek	
Combs	Heidemann	Pahls	Stuhr	
Cunningham	Janssen	Pedersen, Dw.	Synowiecki	

Excused and not voting, 4:

Burling	Landis	McDonald	Wehrbein

The appointment was confirmed with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

The seventh division is as follows:
Senator Jensen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 756:
State Board of Health
Leslie Spry

Voting in the affirmative, 30:

Aguilar	Combs	Fischer	Jensen	Pahls
Baker	Connealy	Flood	Johnson	Price
Bourne	Cornett	Friend	Kopplin	Raikes
Brown	Cudaback	Howard	Kremer	Redfield
Byars	Engel	Hudkins	Louden	Schrock
Chambers	Erdman	Janssen	Mines	Stuthman

Voting in the negative, 0.

Present and not voting, 15:

Beutler	Foley	Langemeier	Preister	Stuhr
Brashear	Heidemann	Pedersen, Dw.	Schimek	Synowiecki
Cunningham	Kruse	Pederson, D.	Smith	Thompson

Excused and not voting, 4:

Burling	Landis	McDonald	Wehrbein

The appointment was confirmed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

The eighth division is as follows:
Senator Jensen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 756:

State Board of Health
Daryl Wills

Voting in the affirmative, 31:

Aguilar	Connealy	Howard	Langemeier	Redfield
Baker	Cornett	Hudkins	Louden	Schrock
Bourne	Cudaback	Janssen	Mines	Smith
Brashear	Erdman	Jensen	Pahls	
Byars	Fischer	Johnson	Pederson, D.	
Chambers	Flood	Kopplin	Price	
Combs	Friend	Kremer	Raikes	

Voting in the negative, 0.

Present and not voting, 14:

Beutler	Engel	Kruse	Schimek	Synowiecki
Brown	Foley	Pedersen, Dw.	Stuhr	Thompson
Cunningham	Heidemann	Preister	Stuthman	

Excused and not voting, 4:

Burling Landis McDonald Wehrbein

The appointment was confirmed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 1144. Placed on General File.

LEGISLATIVE BILL 784. Placed on General File as amended.
Standing Committee amendment to LB 784:
AM2369

1. Strike original section 1 and insert the following new sections:

Section 1. Section 2-3202, Revised Statutes Cumulative Supplement, 2004, is amended to read:

2-3202 For purposes of Chapter 2, article 32, and section 2 of this act, unless the context otherwise requires:

(1) Commission means the Nebraska Natural Resources Commission;

(2) Natural resources district or district means a natural resources district operating pursuant to Chapter 2, article 32;

(3) Board means the board of directors of a district;

(4) Director means a member of the board;

(5) Other special-purpose districts means rural water districts, drainage districts, reclamation districts, and irrigation districts;

(6) Manager means the chief executive hired by a majority vote of the board to be the supervising officer of the district; and

(7) Department means the Department of Natural Resources.

Sec. 2. (1) The district shall ensure that any water project guarantees to the public access for recreational use that meets or exceeds the same access afforded to or reserved by private landowners adjacent to the water project. Recreational users, whether public or private, shall abide by all applicable rules and regulations for use of the water project adopted and promulgated by the district or the political subdivision in which the water project is located. Public recreational users may only access the water project through designated access points.

(2) For purposes of this section, water project means a project authorized in section 2-3235 and designed and built on and after the effective date of this act that (a) includes the construction of a reservoir or results in the construction, enlargement, extension, or improvement of any stream of drainage or system of control of surface water and (b) creates significant new recreational benefits for the reservoir, stream, or surface water.

Water project does not include conservation and land-use projects that do not create significant new recreational benefits.

Sec. 3. Section 2-3290, Reissue Revised Statutes of Nebraska, is amended to read:

2-3290 ~~A~~ Except as otherwise provided in section 2 of this act, a district which owns, leases, or has an easement on land may allow the land to be used by the public for recreational purposes and may adopt and promulgate rules and regulations governing the use of such land as provided in sections 2-3292 to 2-32,100 unless the district does not have the right to use such land for recreational purposes. For purposes of sections 2-3234.01 and 2-3290 to 2-32,101, unless the context otherwise requires, recreation area shall mean land owned or leased by a district, or on which a district has an easement, which the district authorizes to be used by the public for recreational purposes.

In addition to the authority provided in section 2-3292 to establish and collect fees, a district may establish and collect permit fees for public access to such land.

Sec. 4. Section 2-3296, Reissue Revised Statutes of Nebraska, is amended to read:

2-3296 (1) ~~A~~ Except as otherwise provided in section 2 of this act, a district may permit and regulate swimming, bathing, boating, wading, waterskiing, the use of any floatation device, or any other water-related recreational activity in all or any portion of a recreation area and may provide for special conditions to apply to specific swimming, bathing, boating, wading, or waterskiing areas. Any special conditions shall be posted on appropriate signs in the areas to which they apply.

(2) Any person who swims, bathes, boats, wades, water-skis, uses any floatation device, or engages in any other water-related recreational activity in a recreation area when not permitted by a district shall be guilty of a Class V misdemeanor.

Sec. 5. Section 2-3297, Reissue Revised Statutes of Nebraska, is amended to read:

2-3297 (1) A district may provide for the protection, use, or removal of any public real or personal property in a recreation area and may regulate or prohibit the construction or installation of any privately owned structure in a recreation area. ~~A~~ Except as otherwise provided in section 2 of this act, a district may close all or any portion of a recreation area to any form of public use or access with the erection of appropriate signs, without the adoption and promulgation of formal written rules and regulations.

(2) Any person who, without the permission of the district, damages, destroys, uses, or removes any public real or personal property in a recreation area, constructs or installs any privately owned structure in a recreation area, or enters or remains upon all or any portion of a recreation area when appropriate signs or public notices prohibiting such activity have

been erected or displayed shall be guilty of a Class V misdemeanor.

2. On page 3, line 12, strike "ensure that the public has a right of access" and insert "guarantee to the public a right of access for recreational use"; in line 15 strike "section" and insert "sections 2-3290, 2-3296, 2-3297, and"; and in line 16 strike "section" and insert "sections 2-3202 and".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1163. Placed on General File as amended.
Standing Committee amendment to LB 1163:
AM2459

1. On page 2, line 17, strike "twenty" and insert "fifteen".

LEGISLATIVE BILL 1196. Placed on General File as amended.
(Standing Committee amendment, AM2315, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 1224. Placed on General File as amended.
Standing Committee amendment to LB 1224:
AM2155

1. On page 3, lines 23 and 24, strike "appoint a new person" and insert "make appointments".

(Signed) Patrick J. Bourne, Chairperson

Natural Resources

LEGISLATIVE BILL 1076. Placed on General File as amended.
Standing Committee amendment to LB 1076:
AM2456

1. On page 3, line 1, strike "Lancaster,"; in line 2 after "Saline," insert "Sarpy,"; in line 3 strike "counties" and insert "county"; in line 4 strike "and Sarpy"; in line 18 strike the second "and"; and in line 21 strike the period and insert "; and

(h) The eighth district shall contain the county of Lancaster.".

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Eugene Bade - Nebraska Power Review Board

VOTE: Aye: Senators Hudkins, Kremer, Louden, McDonald, Schrock, Smith, Stuhr. Nay: None. Absent: Senator Kopplin.

(Signed) Ed Schrock, Chairperson

AMENDMENTS - Print in Journal

Senator Cunningham filed the following amendment to LB 845:
AM2327

1. On page 3, lines 13 through 16, strike the new matter.

Senators Beutler and Mines filed the following amendment to LB 875:
AM2291

(Amendments to Final Reading copy)

1. On page 13, line 17, after "contract" insert ", or a separate form provided with the service contract,".

Senator Schrock filed the following amendment to LB 508:
AM2468

1. Insert the following new section:

Section 1. Section 46-1217, Reissue Revised Statutes of Nebraska, is amended to read:

46-1217 There is hereby created a Water Well Standards and Contractors' Licensing Board. The board shall be composed of ~~nine~~ ten members, ~~five~~ six of whom shall be appointed by the Governor as follows: (1) A water well contractor representing irrigation water well contractors, (2) a water well contractor representing domestic water well contractors, (3) a water well contractor representing municipal and industrial water well contractors, (4) a pump installation contractor, ~~and~~ (5) a manufacturer or supplier of water well or pumping equipment, and (6) a holder of a license or certificate issued under the Water Well Standards and Contractors' Licensing Act employed by a natural resources district. The Director of Health and Human Services Regulation and Licensure or his or her designated representative, the Director of Environmental Quality or his or her designated representative, the Director of Natural Resources or his or her designated representative, and the director~~. The director or his or her designated representative of the Department of Health and Human Services Regulation and Licensure, the director or his or her designated representative of the Department of Environmental Quality, the director or his or her designated representative of the Department of Natural Resources, and the director or his or her designated representative~~ of the Conservation and Survey Division of the University of Nebraska or his or her designated representative shall also serve as members of the board. Each member shall be a resident of the state. Each appointed member of the board shall have had at least five years of experience in the business of his or her category prior to appointment and shall be actively engaged in such business at the time of appointment and while serving on the board. Each member representing a category subject to licensing under the Water Well Standards and Contractors' Licensing Act, with the exception of members

initially appointed, shall be licensed by the department pursuant to such act. In making appointments, the Governor may consider recommendations made by the trade associations of each category.

2. Renumber the remaining sections and correct the repealer accordingly.

VISITORS

Visitors to the Chamber were Dan Huber from Gering; and 24 high school seniors and teacher from Wilcox-Hildreth Public School.

The Doctor of the Day was Dr. Randy Kohl from Firth.

ADJOURNMENT

At 11:55 a.m., on a motion by Senator Louden, the Legislature adjourned until 9:00 a.m., Tuesday, February 28, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-FIFTH DAY - FEBRUARY 28, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

THIRTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 28, 2006

PRAYER

The prayer was offered by Pastor Doyle Karst, St. John Lutheran Church, Sterling.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Thompson who was excused; and Senators Jensen, Landis, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fourth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 1019.

ER9069

Enrollment and Review Change to LB 1019

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7163:

a. On page 79, the matter beginning with "5" in line 2 through "25" in line 3 has been struck and "6, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 21, and 23" inserted; in lines 9 and 23 "23-2319," has been struck; in lines 10 and 23 and 24 "84-1319, and 84-1321" has been struck and "and 84-1319" inserted; and

b. On page 80, line 1, "vesting," has been struck.

LEGISLATIVE BILL 663. Placed on Select File as amended.
(E & R amendment, AM7174, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Michael Flood, Chairperson

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 231. Indefinitely postponed.
LEGISLATIVE BILL 543. Indefinitely postponed.
LEGISLATIVE BILL 806. Indefinitely postponed.
LEGISLATIVE BILL 809. Indefinitely postponed.
LEGISLATIVE BILL 810. Indefinitely postponed.
LEGISLATIVE BILL 912. Indefinitely postponed.
LEGISLATIVE BILL 945. Indefinitely postponed.
LEGISLATIVE BILL 960. Indefinitely postponed.
LEGISLATIVE BILL 1027. Indefinitely postponed.
LEGISLATIVE BILL 1051. Indefinitely postponed.
LEGISLATIVE BILL 1064. Indefinitely postponed.
LEGISLATIVE BILL 1073. Indefinitely postponed.
LEGISLATIVE BILL 1130. Indefinitely postponed.
LEGISLATIVE BILL 1165. Indefinitely postponed.
LEGISLATIVE BILL 1166. Indefinitely postponed.
LEGISLATIVE BILL 1171. Indefinitely postponed.
LEGISLATIVE BILL 1255. Indefinitely postponed.

(Signed) David Landis, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 14. With Emergency.

A BILL FOR AN ACT relating to the State Natural Gas Regulation Act; to amend sections 66-1840 and 66-1841, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to assessments by the Public Service Commission; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Aguilar	Connealy	Friend	Langemeier	Schimek
Baker	Cornett	Heidemann	Louden	Schrock
Beutler	Cudaback	Howard	McDonald	Smith
Bourne	Cunningham	Hudkins	Mines	Stuhr
Brown	Engel	Janssen	Pahls	Stuthman
Burling	Erdman	Johnson	Pedersen, Dw.	Synowiecki
Byars	Fischer	Kopplin	Pederson, D.	Wehrbein
Chambers	Flood	Kremer	Price	
Combs	Foley	Kruse	Redfield	

Voting in the negative, 0.

Present and not voting, 2:

Brashear	Preister

Excused and not voting, 4:

Jensen	Landis	Raikes	Thompson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 173.

A BILL FOR AN ACT relating to the Uniform Disposition of Unclaimed Property Act; to amend sections 69-1301, 69-1305.02, 69-1308, and 69-1329, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions relating to credit memos, gift certificates, gift cards, and general-use prepaid cards; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Aguilar	Cornett	Heidemann	Louden	Schimek
Baker	Cudaback	Howard	McDonald	Smith
Beutler	Cunningham	Hudkins	Mines	Stuhr
Bourne	Engel	Janssen	Pahls	Stuthman
Brown	Erdman	Johnson	Pedersen, Dw.	Synowiecki
Burling	Fischer	Kopplin	Pederson, D.	Wehrbein
Byars	Flood	Kremer	Preister	
Combs	Foley	Kruse	Price	
Connealy	Friend	Langemeier	Redfield	

Voting in the negative, 0.

Present and not voting, 3:

Brashear	Chambers	Schrock

Excused and not voting, 4:

Jensen	Landis	Raikes	Thompson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 776. With Emergency.

A BILL FOR AN ACT relating to solid waste management; to amend section 13-2039, Revised Statutes Cumulative Supplement, 2004; to change requirements relating to the disposal of yard waste; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Aguilar	Connealy	Friend	Langemeier	Redfield
Baker	Cornett	Heidemann	Louden	Schimek
Beutler	Cudaback	Howard	McDonald	Schrock
Bourne	Cunningham	Hudkins	Mines	Smith
Brown	Engel	Janssen	Pahls	Stuhr
Burling	Erdman	Johnson	Pedersen, Dw.	Stuthman
Byars	Fischer	Kopplin	Pederson, D.	Synowiecki
Chambers	Flood	Kremer	Preister	Wehrbein
Combs	Foley	Kruse	Price	

Voting in the negative, 0.

Present and not voting, 1:

Brashear

Excused and not voting, 4:

Jensen	Landis	Raikes	Thompson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 778 with 39 ayes, 3 nays, 4 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 778.

A BILL FOR AN ACT relating to appraisers; to amend sections 13-403, 44-320, 72-224.03, 72-257, 76-706, 76-1907, 76-1908, 76-1909, 76-1910, 76-2201, 76-2202, 76-2203, 76-2204, 76-2205, 76-2205.01, 76-2206, 76-2207, 76-2208, 76-2209, 76-2210, 76-2210.01, 76-2210.02, 76-2211, 76-2211.01, 76-2211.02, 76-2212, 76-2213, 76-2214, 76-2215, 76-2216, 76-2217, 76-2217.01, 76-2218, 76-2218.01, 76-2219, 76-2220, 76-2222, 76-2223, 76-2224, 76-2225, 76-2226, 76-2227, 76-2228, 76-2229, 76-2229.01, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01, 76-2233.02, 76-2236, 76-2237, 76-2238, 76-2239, 76-2241, 76-2242, 76-2243, 76-2245, 76-2246, 76-2247.01, 76-2248, 76-2249, 76-2250, and 77-2019, Reissue Revised Statutes of Nebraska, sections 2-1502, 2-5506, and 77-5004, Revised Statutes Cumulative Supplement, 2004, and sections 49-14,103.01, 76-2221, and 77-1355, Revised Statutes Supplement, 2005; to rename the Real Estate Appraiser Act and a board; to change provisions relating to appraisals and real estate appraisers; to adopt national credentialing standards; to redefine terms; to harmonize provisions; to repeal the original sections; and to outright repeal section 76-2203.01, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Aguilar	Connealy	Heidemann	Landis	Price
Baker	Cornett	Howard	Langemeier	Redfield
Beutler	Cudaback	Hudkins	Louden	Schimek
Bourne	Cunningham	Janssen	McDonald	Schrock
Brown	Engel	Jensen	Mines	Smith
Burling	Erdman	Johnson	Pahls	Stuhr
Byars	Fischer	Kopplin	Pedersen, Dw.	Stuthman
Chambers	Flood	Kremer	Pederson, D.	Synowiecki
Combs	Friend	Kruse	Preister	Wehrbein

Voting in the negative, 0.

Present and not voting, 2:

Brashear	Foley

Excused and not voting, 2:

Raikes Thompson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 818. With Emergency.

A BILL FOR AN ACT relating to solid waste; to amend section 13-2039, Revised Statutes Cumulative Supplement, 2004; to provide for the use of tires as safety barriers; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Aguilar	Connealy	Friend	Kruse	Preister
Baker	Cornett	Heidemann	Landis	Price
Beutler	Cudaback	Howard	Langemeier	Redfield
Bourne	Cunningham	Hudkins	Louden	Schimek
Brown	Engel	Janssen	McDonald	Schrock
Burling	Erdman	Jensen	Mines	Stuhr
Byars	Fischer	Johnson	Pahls	Stuthman
Chambers	Flood	Kopplin	Pedersen, Dw.	Synowiecki
Combs	Foley	Kremer	Pederson, D.	Wehrbein

Voting in the negative, 0.

Present and not voting, 1:

Smith

Excused and not voting, 3:

Brashear Raikes Thompson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 887 with 36 ayes, 3 nays, 7 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 887.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.14 and 77-2701.43, Reissue Revised Statutes of Nebraska, and sections 13-324, 77-2712.05, and 77-27,143, Revised Statutes Supplement, 2005; to change provisions relating to sales and use tax; to change provisions relating to the streamlined sales and use tax agreement; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Aguilar	Cornett	Howard	Louden	Schrock
Baker	Cudaback	Hudkins	McDonald	Smith
Beutler	Cunningham	Janssen	Mines	Stuhr
Bourne	Engel	Jensen	Pahls	Stuthman
Brown	Erdman	Johnson	Pedersen, Dw.	Synowiecki
Burling	Fischer	Kopplin	Pederson, D.	Wehrbein
Byars	Flood	Kremer	Preister	
Chambers	Foley	Kruse	Price	
Combs	Friend	Landis	Redfield	
Connealy	Heidemann	Langemeier	Schimek	

Voting in the negative, 0.

Excused and not voting, 3:

Brashear	Raikes	Thompson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1003 with 36 ayes, 3 nays, 7 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1003. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 53-164.01, 53-165, 77-27,117, 77-27,191, and 77-5544, Reissue Revised Statutes of Nebraska, sections 13-203 and 66-489, Revised Statutes Cumulative Supplement, 2004, and sections 49-801.01, 77-2717, 77-27,187.01, 77-27,194, 77-5719, 77-5723, 77-5725, 77-5727, 77-5728, 77-5903, and 81-12,127, Revised Statutes Supplement, 2005; to change a provision relating to references to the Internal Revenue Code; to change provisions relating to alcohol tax reports; to change a tax exemption relating to motor fuels sold on Indian reservations; to change provisions relating to income tax provisions and tax incentive programs; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Aguilar	Cornett	Howard	Louden	Schrock
Baker	Cudaback	Hudkins	McDonald	Smith
Beutler	Cunningham	Janssen	Mines	Stuhr
Bourne	Engel	Jensen	Pahls	Stuthman
Brown	Erdman	Johnson	Pedersen, Dw.	Synowiecki
Burling	Fischer	Kopplin	Pederson, D.	Wehrbein
Byars	Flood	Kremer	Preister	
Chambers	Foley	Kruse	Price	
Combs	Friend	Landis	Redfield	
Connealy	Heidemann	Langemeier	Schimek	

Voting in the negative, 0.

Excused and not voting, 3:

Brashear	Raikes	Thompson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1007 with 39 ayes, 3 nays, 4 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1007. With Emergency.

A BILL FOR AN ACT relating to government regulation; to amend sections 28-1241, 57-501, 60-4,138, 60-4,145, 60-4,146, 60-4,163, 60-6,251, 60-6,284, 75-368, 75-369, 75-369.01, 75-369.02, and 75-369.03, Reissue Revised Statutes of Nebraska, section 28-1213, Revised Statutes Cumulative Supplement, 2004, and sections 60-462.01, 60-465, 60-1306, 75-363, and 75-364, Revised Statutes Supplement, 2005; to change provisions relating to explosives, fireworks, liquefied petroleum gas, motor vehicle operators' licenses, motor vehicle equipment requirements, carrier enforcement officers, and motor carriers; to define terms; to prohibit certain exculpatory clauses in motor carrier transportation contracts as prescribed; to eliminate certain motor carrier enforcement provisions; to harmonize provisions; to repeal the original sections; to outright repeal sections 75-381 and 75-382, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Aguilar	Cornett	Howard	Louden	Schrock
Baker	Cudaback	Hudkins	McDonald	Smith
Beutler	Cunningham	Janssen	Mines	Stuhr
Bourne	Engel	Jensen	Pahls	Stuthman
Brown	Erdman	Johnson	Pedersen, Dw.	Synowiecki
Burling	Fischer	Kopplin	Pederson, D.	Wehrbein
Byars	Flood	Kremer	Preister	
Chambers	Foley	Kruse	Price	
Combs	Friend	Landis	Redfield	
Connealy	Heidemann	Langemeier	Schimek	

Voting in the negative, 0.

Excused and not voting, 3:

Brashear	Raikes	Thompson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1111.

A BILL FOR AN ACT relating to the State Racing Commission; to amend section 2-1201, Revised Statutes Cumulative Supplement, 2004; to change

provisions relating to appointments to the commission as prescribed; to provide a duty for the Legislature; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Aguilar	Connealy	Heidemann	Landis	Price
Baker	Cudaback	Howard	Langemeier	Redfield
Beutler	Cunningham	Hudkins	Louden	Schimek
Bourne	Engel	Janssen	McDonald	Schrock
Brown	Erdman	Jensen	Mines	Smith
Burling	Fischer	Johnson	Pahls	Stuhr
Byars	Flood	Kopplin	Pedersen, Dw.	Stuthman
Chambers	Foley	Kremer	Pederson, D.	Synowiecki
Combs	Friend	Kruse	Preister	Wehrbein

Voting in the negative, 0.

Present and not voting, 1:

Cornett

Excused and not voting, 3:

Brashear	Raikes	Thompson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 2CA.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article XIII, section 2:

XIII-2(1) Notwithstanding any other provision in the Constitution, the Legislature may authorize any county or incorporated city or village, including cities operating under home rule charters, to acquire, own, develop, and lease real and personal property suitable for use by manufacturing or industrial enterprises and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing such property by

construction, purchase, or otherwise. The Legislature may also authorize such county, city, or village to acquire, own, develop, and lease real and personal property suitable for use by enterprises as determined by law if such property is located in blighted areas as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Any real or personal property acquired, owned, developed, or used by any such county, city, or village pursuant to this ~~section~~ subsection shall be subject to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of the Constitution. The acquiring, owning, developing, and leasing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

(2) Notwithstanding any other provision in this Constitution, the Legislature may also authorize any county, city, or village to acquire, own, develop, and lease or finance real and personal property, other than property used or to be used for sectarian instruction or study or as a place for devotional activities or religious worship, to be used, during the term of any revenue bonds issued, only by nonprofit enterprises as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Notwithstanding the provisions of Article VIII, section 2, of this Constitution, the acquisition, ownership, development, use, or financing of any real or personal property pursuant to the provisions of this subsection shall not affect the imposition of any taxes or the exemption therefrom by the Legislature pursuant to this Constitution. The acquiring, owning, developing, and leasing or financing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property for the purposes specified in this subsection by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

(3) Notwithstanding any other provision in the Constitution, the Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to appropriate from local sources of revenue such funds as may be deemed necessary for an economic or industrial development project or program subject to approval by a vote of a majority of the registered voters of such city or village voting upon the question. For purposes of this provision, funds from local sources of revenue

shall mean funds raised from general taxes levied by the city or village and shall not include any funds received by the city or village which are derived from state or federal sources.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to authorize the use of revenue bonds to develop and lease property for use by nonprofit enterprises as determined by law.

For

Against.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 40:

Aguilar	Connealy	Heidemann	Kruse	Price
Baker	Cornett	Howard	Landis	Schimek
Beutler	Cudaback	Hudkins	Langemeier	Schrock
Bourne	Cunningham	Janssen	McDonald	Smith
Brown	Engel	Jensen	Mines	Stuhr
Burling	Fischer	Johnson	Pahls	Stuthman
Byars	Flood	Kopplin	Pederson, D.	Synowiecki
Combs	Friend	Kremer	Preister	Wehrbein

Voting in the negative, 0.

Present and not voting, 6:

Chambers	Foley	Pedersen, Dw.
Erdman	Louden	Redfield

Excused and not voting, 3:

Brashear	Raikes	Thompson

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

MOTION - Return LB 875 to Select File

Senator Mines moved to return LB 875 to Select File for his specific pending amendment, AM2446, found on page 783.

The Mines motion to return prevailed with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 875. The Mines specific pending amendment, AM2446, found on page 783, was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 875 to Select File

Senator Beutler moved to return LB 875 to Select File for the Beutler-Mines specific pending amendment, AM2291, found on page 796.

The Beutler motion to return prevailed with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 875. The Beutler-Mines specific pending amendment, AM2291, found on page 796, was adopted with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

SPEAKER BRASHEAR PRESIDING

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 291 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 291.

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 14, 173, 776, 778, 818, 887, 1003, 1007, 1111, and LR 2CA.

SENATOR CUDABACK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 1115. The Standing Committee amendment, AM2038, printed separately and referred to on page 718 and considered on page 779, was considered.

Senator Cunningham withdrew his pending amendment, AM2405, found on page 764 and considered on page 779.

Senator Bourne renewed his pending amendment, AM2400, found on page 782, to the Standing Committee amendment.

The Bourne amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1116. Advanced to E & R for engrossment.

LEGISLATIVE BILL 196. E & R amendment, AM7166, printed separately and referred to on page 761, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 757. E & R amendment, AM7168, found on page 761, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 409. E & R amendment, AM7167, found on page 762, was adopted.

Senator Flood offered the following amendment:
AM2501

(Amendments to E & R amendments, AM7167)

1. On page 1, line 10, strike "guardian or".

The Flood amendment was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 860. Advanced to E & R for engrossment.

LEGISLATIVE BILL 795. E & R amendment, AM7170, found on page 762, was adopted.

Senator Cunningham renewed his pending amendment, AM2395, found on page 761.

The Cunningham amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 787. E & R amendment, AM7173, found on page 763, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 792. E & R amendment, AM7171, found on page 763, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 819. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1066. Advanced to E & R for engrossment.

LEGISLATIVE BILL 833. Senator Byars offered the following amendment:
AM2507

1. Strike original section 2 and all amendments thereto and insert the following new sections:

Section 1. Section 71-104.01, Revised Statutes Supplement, 2005, is amended to read:

71-104.01 An applicant for an initial license to practice a profession which is authorized to prescribe controlled substances shall be subject to a criminal background check. The applicant shall submit with the application a full set of fingerprints which shall be forwarded to the Nebraska State Patrol to be submitted to the Federal Bureau of Investigation for a national criminal history record information check. The applicant shall authorize release of the results of the national criminal history record information check to the department. The applicant shall pay the actual cost of the fingerprinting and criminal background check. This section shall not apply to dentists who are applicants for temporary practice rights under subdivision (5) of section 71-183.01 or to physicians and surgeons who are applicants for temporary practice rights under subdivision ~~(17)~~ (9) of section 71-1,103.

Sec. 3. Section 71-1,103, Revised Statutes Supplement, 2005, is amended to read:

71-1,103 The following classes of persons shall not be construed to be engaged in the unauthorized practice of medicine:

(1) Persons rendering gratuitous services in cases of emergency;

(2) Persons administering ordinary household remedies;

(3) The members of any church practicing its religious

tenets, except that they shall not prescribe or administer drugs or medicines, perform surgical or physical operations, nor assume the title of or hold themselves out to be physicians, ~~or surgeons,~~ and such members shall not be exempt from the quarantine laws of this state;

(4) Students of medicine ~~and surgery~~ who are studying in an accredited school or college of medicine and who gratuitously prescribe for and treat disease under the supervision of a licensed physician;

(5) Physicians ~~and surgeons~~ of the United States Armed Forces or Public Health Service or United States Department of Veterans Affairs when acting in the line of such duty in this state;

(6) Physicians ~~and surgeons~~ who are ~~graduates of an accredited school or college of medicine with the degree of Doctor of Medicine and~~ licensed in ~~another~~ in good standing to practice medicine under the laws of another state when incidentally called into this state or contacted via electronic or other medium for consultation with a physician ~~and surgeon~~ licensed in this state. For purposes of this subdivision, consultation means evaluating the medical data of the patient as provided by the treating physician and rendering a recommendation to such treating physician as to the method of treatment or analysis of the data. The interpretation of a radiological image by a physician who specializes in radiology is not a consultation;

(7) Physicians ~~and surgeons who are graduates of an accredited school or college of medicine with the degree of Doctor of Medicine and who reside in a state bordering this state and who are duly licensed under the laws thereof to practice medicine and surgery but who do not open an office or maintain or appoint a place to meet patients or to receive calls within this state unless they are performing services described in subdivision (7) of section 71-1,102~~ who are licensed in good standing to practice medicine in another state but who, from such other state, order diagnostic or therapeutic services on an irregular or occasional basis, to be provided to an individual in this state, if such physicians do not maintain and are not furnished for regular use within this state any office or other place for the rendering of professional services or the receipt of calls;

(8) Physicians who are licensed in good standing to practice medicine in another state and who, on an irregular and occasional basis, are granted temporary hospital privileges to practice medicine and surgery at a hospital or other medical facility licensed in this state;

(9) Physicians who are licensed in good standing to practice medicine in another state and who have been recommended by the secretary of the board of examiners in the state of licensure and granted temporary practice rights by the Board of Medicine and Surgery, with the approval of the department, for a period not to

exceed three months in any twelve-month period;

~~(8)~~ (10) Persons providing or instructing as to use of braces, prosthetic appliances, crutches, contact lenses, and other lenses and devices prescribed by a ~~doctor of medicine~~ physician licensed to practice medicine while working under the direction of such physician;

~~(9)~~ (11) Dentists practicing their profession when licensed and practicing in accordance with sections 71-183 to 71-191;

~~(10)~~ (12) Optometrists practicing their profession when licensed and practicing under and in accordance with sections 71-1,133 to 71-1,136;

~~(11)~~ (13) Osteopathic physicians practicing their profession if licensed and practicing under and in accordance with sections 71-1,137 and 71-1,141;

~~(12)~~ (14) Chiropractors practicing their profession if licensed and practicing under sections 71-177 to 71-182;

~~(13)~~ (15) Podiatrists practicing their profession when licensed and practicing under and in accordance with sections 71-173 to 71-176;

~~(14)~~ (16) Psychologists practicing their profession when licensed and practicing under and in accordance with sections 71-1,206.01 to 71-1,206.35;

~~(15) Advanced~~ (17)(a) Until July 1, 2007, advanced practice registered nurses and certified registered nurse anesthetists practicing their professions and practicing under and in accordance with the Advanced Practice Registered Nurse Act; and

(b) On and after July 1, 2007, advanced practice registered nurses practicing in their clinical specialty areas when licensed under the Advanced Practice Registered Nurse Licensure Act and practicing under and in accordance with their respective certification acts;

~~(16) Any person~~ (18) Persons licensed or certified under the laws of this state to practice a limited field of the healing art, not specifically named in this section, when confining themselves strictly to the field for which they are licensed or certified, not assuming the title of physician, surgeon, or physician and surgeon, and not professing or holding themselves out as qualified to prescribe drugs in any form or to perform operative surgery;

~~(17) Physicians and surgeons who are duly licensed to practice medicine and surgery in another state who have been recommended by the secretary of the board of examiners in the state of licensure and who have been granted temporary practice rights by the Board of Medicine and Surgery, with the approval of the department, for a period not to exceed three months in any twelve-month period;~~

~~(18)~~ (19) Persons obtaining blood specimens while working under an order of or protocols and procedures approved by a

physician, registered nurse, or other independent health care practitioner licensed to practice by the state if the scope of practice of that practitioner permits the practitioner to obtain blood specimens; and

~~(19) Any other trained person~~ (20) Other trained persons employed by a licensed health care facility or health care service defined in the Health Care Facility Licensure Act or clinical laboratory certified pursuant to the federal Clinical Laboratories Improvement Act of 1967, as amended, or Title XVIII or XIX of the federal Social Security Act to withdraw human blood for scientific or medical purposes.

Any person who has held or applied for a license to practice medicine and surgery in this state, and such license or application has been denied or such license has been refused renewal or disciplined by order of limitation, suspension, or revocation, shall be ineligible for the exceptions described in subdivisions (5) through (9) of this section until such license or application is granted or such license is renewed or reinstated.

Every act or practice falling within the practice of medicine and surgery as defined in section 71-1,102 and not specially excepted in this section shall constitute the practice of medicine and surgery and may be performed in this state only by those licensed by law to practice medicine in Nebraska.

2. On page 7, line 19, strike "section" and insert "sections 71-104.01 and".

3. Renumber the remaining sections accordingly.

The Byars amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 789. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1008. Senator Chambers withdrew his pending amendment, FA487, found on page 756.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1008A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 823. Advanced to E & R for engrossment.

LEGISLATIVE BILL 921. E & R amendment, AM7172, found on page 763, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 941. Advanced to E & R for engrossment.
LEGISLATIVE BILL 771. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1067. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1178. Advanced to E & R for engrossment.

LEGISLATIVE BILL 815. E & R amendment, AM7169, found on page 763, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 647. E & R amendment, AM7049, found on page 786, First Session, 2005, was adopted.

Senator Brashear renewed his pending amendment, AM2460, printed separately and referred to on page 783.

The Brashear amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 32. E & R amendment, AM7140, found on page 472, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 508. Senator Schrock renewed his pending amendment, AM2244, printed separately and referred to on page 642.

The Schrock amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Senator Schrock renewed his pending amendment, AM2468, found on page 796.

The Schrock amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 87. E & R amendment, AM7147, found on page 514, was adopted.

Senator Byars withdrew his pending amendment, AM2188, found on page 592.

Senator Byars renewed his pending amendment, AM2239, found on page 621.

The Byars amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Senator Chambers offered the following amendment:
FA516
Amendment to AM1812
P. 5, line 14 strike "claims of" show as stricken and insert "complaints regarding"; in line 15 strike "provision" and insert "providing"

The Chambers amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 87A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 75. E & R amendment, AM7151, found on page 544, was adopted.

Senator Chambers renewed his pending amendment, FA422, found on page 609.

Pending.

SPECIAL COMMITTEE REPORT
Executive Board

LEGISLATIVE BILL 956. Placed on General File as amended.
Special Committee amendment to LB 956:
AM2479
1. Strike original section 11.
2. Renumber the remaining section accordingly.

(Signed) L. Patrick Engel, Chairperson

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 894. Placed on General File.
LEGISLATIVE BILL 1106. Placed on General File.
LEGISLATIVE BILL 1154. Placed on General File.
LEGISLATIVE BILL 1184. Placed on General File.

LEGISLATIVE BILL 940. Placed on General File as amended.
Standing Committee amendment to LB 940:
AM2411

1. Strike the original sections and insert the following new sections:

Section 1. Section 32-716, Reissue Revised Statutes of Nebraska, is amended to read:

32-716 (1) Any person, group, or association desiring to form a new political party shall present to the Secretary of State petitions containing signatures totaling not less than one percent of the total votes cast for Governor at the most recent general election for such office. The signatures of registered voters on such petitions shall be so distributed as to include registered voters totaling at least one percent of the votes cast for Governor in the most recent gubernatorial election in each of the three congressional districts in this state. Petition signers and petition circulators shall conform to the requirements of sections 32-629 and 32-630. The petitions shall be filed with the Secretary of State no later than February 1 before any statewide primary election for the new political party to be entitled to have ballot position in the primary election of that year. If the new political party desires to be established and have ballot position for the general election and not in the primary election of that year, the petitions shall be filed with the Secretary of State on or before August 1 of that year. Prior to the circulation of petitions to form a new political party, a sample copy of the petitions shall be filed with the Secretary of State by the person, group, or association seeking to establish the new party. The sample petition shall be accompanied by the name and address of the person or the names and addresses of the members of the group or association sponsoring the petition to form a new political party.

(2) The petition shall conform to the requirements of section 32-628. The Secretary of State shall prescribe the form of the petition for the formation of a new political party. The petition shall be addressed to and filed with the Secretary of State and shall state its purpose and the name of the party to be formed. Such name shall not be or include ~~, but~~ the name of any political party then in existence or any word forming any part of the name of any political party then in existence, and in order to avoid confusion regarding party affiliation of a candidate or registered voter, the name of the party to be formed shall not include the word "independent" or "nonpartisan". ~~shall not be adopted.~~ The petition shall contain a statement substantially as follows:

We, the undersigned registered voters of the State of Nebraska and the county of ....., being severally qualified to sign this petition, respectfully request that the above-named new political party be formed in the State of Nebraska,

and each for himself or herself says: I have personally signed this petition on the date opposite my name; I am a registered voter of the State of Nebraska and county of ..... and am qualified to sign this petition; and my date of birth and city, village, or post office address and my street and number or voting precinct are correctly written after my name.

Sec. 2. Section 32-1524, Reissue Revised Statutes of Nebraska, is amended to read:

32-1524 (1) No judge or clerk of election or precinct or district inspector shall do any electioneering ~~on election day~~ while acting as an election official.

(2) No person shall do any electioneering, circulate petitions, or perform any action that involves solicitation ~~on election day~~ within any polling place~~,~~ or any building ~~in which an election is being held,~~ designated for voters to cast ballots by the election commissioner or county clerk pursuant to the Election Act while the polling place or building is set up for voters to cast ballots or within two hundred feet of any such polling place or building. Any person violating this section shall be guilty of a Class V misdemeanor.

Sec. 3. Section 49-1434, Reissue Revised Statutes of Nebraska, is amended to read:

49-1434 (1) Principal ~~shall mean~~ means a person who authorizes a lobbyist to lobby in behalf of that principal.

(2) Lobbyist ~~shall mean~~ means a person who is authorized to lobby on behalf of a principal and ~~shall include~~ includes an officer, agent, attorney, or employee of the principal whose regular duties include lobbying.

(3) Principal or lobbyist ~~shall~~ does not include:

(a) A public official or employee of a branch of state government, except the University of Nebraska, or an elected official of a political subdivision who is acting in the course or scope of his or her office or employment;

(b) Any publisher, owner, or working member of the press, radio, or television while disseminating news or editorial comment to the general public in the ordinary course of business;

(c) An employee of a principal or lobbyist whose duties are confined to typing, filing, and other types of clerical office work;

(d) Any person who limits his or her activities (i) to appearances before legislative committees and who so advises the committee at the time of his or her appearance whom he or she represents or that he or she appears at the invitation of a named member of the Legislature or at the direction of the Governor or (ii) to writing letters or furnishing written material to individual members of the Legislature or to the committees thereof; ~~who furnishes to the Clerk of the Legislature a copy of such letter or written material for public inspection;~~

(e) Any individual who does not engage in lobbying for

another person as defined in section 49-1438; or

(f) An employee of a political subdivision whose regular employment duties do not ordinarily include lobbying activities as long as such employee is not additionally compensated for such lobbying activities, other than his or her regular salary, and is not reimbursed for any lobbying expenditures except his or her travel, lodging, and meal expenses and the meal expenses for members of the Legislature.

Sec. 4. The Secretary of State shall not be a member or officer of a committee as defined in section 49-1413 other than a committee formed for his or her own candidacy.

Sec. 5. (1) The Office of Homeland Security is created. The Governor shall appoint the Director of State Homeland Security.

(2) The purpose of the office is to ensure preparedness by the State of Nebraska in response to terrorist acts. The office shall coordinate efforts regarding domestic security issues with the United States Department of Homeland Security. The Director of State Homeland Security shall serve as the contact between the state and the United States Department of Homeland Security.

(3)(a) The Homeland Security Policy Group is created. The Director of State Homeland Security shall serve as chairperson of the policy group. The policy group is charged with assessing strategic alternatives and recommending broad courses of action for the development of comprehensive strategies. The Governor shall appoint other members of the policy group who shall serve at the will of the Governor. The Executive Board of the Legislative Council shall select one member of the Government, Military and Veterans Affairs Committee and one member of the Appropriations Committee of the Legislature to serve as ex officio nonvoting members of the policy group.

(b) The policy group shall report semiannually to the executive board regarding its activities and the developments in the coordination efforts between the Office of State Homeland Security and the United States Department of Homeland Security. The report shall identify federal funds sent to the state in support of its preparedness activities and indicate the use of federal funds received by the state for homeland security, including specific amounts allocated to any unit of state or local government and the use to which the unit shall apply the funds.

(c) The policy group shall not be subject to the Open Meetings Act or to sections 84-712 to 84-712.09.

Sec. 6. Original sections 32-716, 32-1524, and 49-1434, Reissue Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 1236. Placed on General File as amended.
Standing Committee amendment to LB 1236:
AM2494

1. Strike the original sections and insert the following new sections:

Section 1. Section 49-1434, Reissue Revised Statutes of Nebraska, is amended to read:

49-1434 (1) Principal ~~shall mean~~ means a person who authorizes a lobbyist to lobby in behalf of that principal.

(2) Lobbyist ~~shall mean~~ means a person who is authorized to lobby on behalf of a principal and ~~shall include~~ includes an officer, agent, attorney, or employee of the principal whose regular duties include lobbying.

(3) Principal or lobbyist ~~shall~~ does not include:

(a) A public official or employee of a branch of state government, except the University of Nebraska, or an elected official of a political subdivision who is acting in the course or scope of his or her office or employment;

(b) Any publisher, owner, or working member of the press, radio, or television while disseminating news or editorial comment to the general public in the ordinary course of business;

(c) An employee of a principal or lobbyist whose duties are confined to typing, filing, and other types of clerical office work;

(d) Any person who limits his or her activities (i) to appearances before legislative committees and who so advises the committee at the time of his or her appearance whom he or she represents or that he or she appears at the invitation of a named member of the Legislature or at the direction of the Governor or (ii) to writing letters or furnishing written material to individual members of the Legislature or to the committees thereof; ~~who furnishes to the Clerk of the Legislature a copy of such letter or written material for public inspection;~~

(e) Any individual who does not engage in lobbying for another person as defined in section 49-1438; or

(f) An employee of a political subdivision whose regular employment duties do not ordinarily include lobbying activities as long as such employee is not additionally compensated for such lobbying activities, other than his or her regular salary, and is not reimbursed for any lobbying expenditures except his or her travel, lodging, and meal expenses and the meal expenses for members of the Legislature.

Sec. 2. Original section 49-1434, Reissue Revised Statutes of Nebraska, is repealed.

LEGISLATIVE BILL 1246. Placed on General File as amended.
Standing Committee amendment to LB 1246:
AM2408

1. Strike the original sections and insert the following new sections:

Section 1. Section 32-1524, Reissue Revised Statutes of Nebraska, is amended to read:

32-1524 (1) No judge or clerk of election or precinct or district inspector shall do any electioneering ~~on election day~~

while acting as an election official.

(2) No person shall do any electioneering, circulate petitions, or perform any action that involves solicitation ~~on election day~~ within any polling place~~,~~ or any building ~~in which an election is being held,~~ designated for voters to cast ballots by the election commissioner or county clerk pursuant to the Election Act while the polling place or building is set up for voters to cast ballots or within two hundred feet of any such polling place or building. Any person violating this section shall be guilty of a Class V misdemeanor.

Sec. 2. Original section 32-1524, Reissue Revised Statutes of Nebraska, is repealed.

(Signed) DiAnna R. Schimek, Chairperson

Education

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

James Strand - Coordinating Commission for Postsecondary Education

VOTE: Aye: Senators Bourne, Byars, Howard, Kopplin, McDonald, Raikes, Schrock, and Stuhr. Nay: None. Absent: None.

(Signed) Ron Raikes, Chairperson

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Brian Tessman - State Personnel Board

VOTE: Aye: Senators Burling, Fischer, Mines, Schimek, Wehrbein. Nay: Senator Langemeier. Absent: Senators Brown, Pahls.

(Signed) DiAnna R. Schimek, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 28, 2006, at 10:35 a.m. were the following: LBs 14e, 173, 776e, 778, 818e, 887, 1003e, 1007e, and 1111.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on February 28, 2006, at 10:35 a.m. was the following: LR 2CA.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

AMENDMENTS - Print in Journal

Senator Hudkins filed the following amendment to LB 1115:
AM2430

(Amendments to Standing Committee amendments, AM2038)

1. Insert the following new section:

Sec. 42. Section 84-915.01, Reissue Revised Statutes of Nebraska, is amended to read:

84-915.01 (1)(a) At the conclusion of a hearing, the official record of the proceedings of each contested case under the Administrative Procedure Act shall be maintained by the court reporter or, in the event a court reporter was not used, the hearing officer, pending the filing of an appeal to the district court or the expiration of the time allowed for an appeal.

(b) If an appeal is not taken, the court reporter shall forward the official record to the agency from which the administrative appeal was taken upon the expiration of the time allowed for an appeal.

(c) A court reporter may not release an official record prior to the filing of an appeal or the expiration of the time allowed for an appeal except upon the order of the hearing officer.

~~(1)~~ (2) An agency shall maintain an official record of each contested case under the Administrative Procedure Act for at least four years following the date of the final order.

~~(2)~~ (3) The agency record shall consist only of:

(a) Notices of all proceedings;

(b) Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the agency pertaining to the contested case;

(c) The record of the hearing before the agency, including all exhibits and evidence introduced during such hearing, a statement of matters officially noticed by the agency during the proceeding, and all proffers of proof and objections and rulings thereon; and

(d) The final order.

~~(3)~~ (4) Except to the extent that the act or another statute provides otherwise, the agency record shall constitute the exclusive basis for agency action in contested cases under the act and for judicial review thereof.

2. Renumber the remaining sections accordingly and amend

the operative date and repealer sections so that the section added by this amendment becomes operative three calendar months after adjournment of this legislative session.

Senators Wehrbein and Stuthman filed the following amendment to LB 853:
AM2495

(Amendments to E & R amendments, AM7161)

1. Insert the following new section:

Sec. 15. Section 60-6,144, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,144 Use of a freeway and entry thereon by the following shall be prohibited at all times except by permit from the Department of Roads or from the local authority in the case of freeways not under the jurisdiction of the department: ~~, and the department or the appropriate local authority shall not issue such permit except in extreme emergency:~~

(1) Pedestrians except in areas specifically designated for that purpose;

(2) Hitchhikers or walkers;

(3) Vehicles not self-propelled;

(4) Bicycles, motor-driven cycles, motor scooters not having motors of more than ten horsepower, and electric personal assistive mobility devices;

(5) Animals led, driven on the hoof, ridden, or drawing a vehicle;

(6) Funeral processions;

(7) Parades or demonstrations;

(8) Vehicles, except emergency vehicles, unable to maintain minimum speed as provided in the Nebraska Rules of the Road;

(9) Construction equipment;

(10) Implements of husbandry, whether self-propelled or towed;

(11) Vehicles with improperly secured attachments or loads;

(12) Vehicles in tow, when the connection consists of a chain, rope, or cable, except disabled vehicles which shall be removed from such freeway at the nearest interchange;

(13) Vehicles with deflated pneumatic, metal, or solid tires or continuous metal treads except maintenance vehicles;

(14) Any person standing on or near a roadway for the purpose of soliciting or selling to an occupant of any vehicle; or

(15) Overdimensional vehicles.

2. On page 19, line 7, strike "19" and insert "20"; and in line 12 after "60-4,139," insert "60-6,144,".

3. Renumber the remaining sections and correct internal references accordingly.

Senator Friend filed the following amendment to LB 1175:
AM2517

(Amendments to Standing Committee amendments, AM2193)

1. On page 8, lines 11 through 18, strike the new matter and insert "Any mutual finance organization making application pursuant to this section shall include with the application additional financial information regarding the manner in which any funds received by the mutual finance organization based upon the prior year's application pursuant to the act have been expended or distributed by that mutual finance organization. The State Treasurer shall provide copies of such reports on mutual finance organization expenditures and distributions to the Clerk of the Legislature by December 1 of each year in which any reports are filed."; and in line 27 strike "Funds", show as stricken, and insert "Except as provided in subsection (4) of this section, funds".

2. On page 9, after line 7 insert the following new subsection:

"(4) No funds shall be disbursed to an eligible mutual finance organization until it has provided to the State Treasurer the financial information regarding the manner in which it has expended or distributed prior disbursements made pursuant to the act as provided in subsection (2) of this section.".

Senator Foley filed the following amendment to LB 275:
AM2486

1. On page 16, lines 8 and 9; page 18, lines 11 and 12; and page 19, lines 3 and 4, strike "Only one motor vehicle owned by the applicant shall be so licensed at any one time." and show as stricken.

2. On page 16, strike beginning with "Only" in line 26 through line 27 and show as stricken.

3. On page 17, strike beginning with "Only" in line 18 through line 19 and show as stricken.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 953A. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 953, Ninety-ninth Legislature, Second Session, 2006.

LEGISLATIVE BILL 1069A. Introduced by Byars, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1069, Ninety-ninth

Legislature, Second Session, 2006; and to reduce appropriations.

RESOLUTION

LEGISLATIVE RESOLUTION 295. Introduced by Johnson, 37.

WHEREAS, Cory Hanson, an esteemed resident of Kearney, and a student of Kearney High School, has achieved national recognition for exemplary volunteer service by receiving a 2006 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving communities; and

WHEREAS, Cory Hanson earned this award by giving generously of his time and energy by launching a program to encourage high school students across Nebraska to get involved in mentoring younger students and by organizing a number of specific activities to expose children to positive role models; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of the American society depends, in great measure, upon the dedication of young people like Cory Hanson who use their considerable talents and resources to serve others.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and congratulates Cory Hanson on being a recipient of a Prudential Spirit of Community Award and for his volunteer service, peer leadership, and community spirit and extends best wishes for his continued success.

2. That a copy of this resolution be sent to Cory Hanson.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Senator Price asked unanimous consent to add her name as cointroducer to LBs 173 and 1116. No objections. So ordered.

Senator Smith asked unanimous consent to add his name as cointroducer to LB 995. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Bob Rauner from Lincoln.

ADJOURNMENT

At 12:03 p.m., on a motion by Senator Aguilar, the Legislature adjourned until 9:00 a.m., Wednesday, March 1, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 1, 2006

PRAYER

The prayer was offered by Pastor Kent Clark, Auburn Berean Church, Auburn.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Beutler, Byars, Louden, Redfield, and Schrock who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fifth day was approved.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendments to LB 834:
FA505
P. 2, line 1 strike "shall not" and insert "may", and in line 2 strike "in any other manner".

FA506
P. 2, line 2 strike "any matter" and insert "to which no political subdivision objects".

FA507
P. 2, line 3 strike "registration".

FA508
P. 2, line 3 strike "labeling"

FA509
P. 2, line 3 strike "sale".

FA510
P. 2, line 3 strike "transportation".

FA511
P. 2, line 3 strike "storage".

FA512
P. 2, line 4 strike "distribution".

FA513
P. 2, line 4 strike second appearance of "use".

FA514
P. 2, line 4 strike "planting".

FA515
P. 2, lines 4 and 5 strike ", or cultivation of seeds".

RESOLUTION

LEGISLATIVE RESOLUTION 296. Introduced by Cudaback, 36.

WHEREAS, the Amherst Broncos won the 2006 Class D team championship at the Nebraska High School State Wrestling Championship, their first team championship since 1978; and

WHEREAS, the Broncos clinched the team championship by one point over the Howells Bobcats; and

WHEREAS, the Broncos had seven individual medalists that propelled the team to win the team championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Amherst Broncos on their win of the 2006 Class D team championship at the Nebraska High School State Wrestling Championships.

2. That a copy of this resolution be sent to the Amherst wrestling team and their coach, Tyler Herman.

Laid over.

SELECT FILE

LEGISLATIVE BILL 478. Senator Chambers renewed his pending amendment, FA448, found on page 672 and considered on page 702, to the Cornett pending amendment, AM1810.

Pending.

STANDING COMMITTEE REPORTS
Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Duane W. Acklie - State Highway Commission
John Kingsbury - State Highway Commission
Douglas Leafgreen - State Highway Commission
Greg Wolford - State Highway Commission

VOTE: Aye: Senators Stuthman, Hudkins, Foley, Aguilar, Dw. Pedersen, Smith, Baker and Brown. Nay: None. Absent: None.

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Charles A. Borgmann - Nebraska Motor Vehicle Industry Licensing Board

VOTE: Aye: Senators Stuthman, Hudkins, Foley, Aguilar, Dw. Pedersen, Smith, Baker and Brown. Nay: None. Absent: None.

(Signed) Tom Baker, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 745A. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 745, Ninety-ninth Legislature, Second Session, 2006.

SELECT FILE

LEGISLATIVE BILL 478. The Chambers pending amendment, FA448, found on page 672 and considered on page 702 and in this day's Journal, to the Cornett pending amendment, AM1810, was renewed.

Senator Chambers withdrew his amendment.

Senator Cornett renewed her pending amendment, AM1810, found on page 142 and considered on pages 638 and 672.

Senator Chambers offered the following amendment to the Cornett pending amendment:
AM2539

(Amendments to E & R amendments, AM7101)

1. Insert the following new section:

Sec. 2. The Legislature hereby finds and declares that: (1) Some veterans are more worthy of special, favorable treatment by the state than others; (2) not all veterans who served honorably should be deemed by the state to be worthy of equal treatment when special tax benefits are to be bestowed; (3) the basis for creating an elitist group of veterans who are entitled to receive special tax benefits from the state is not the nature of their service while on active duty, but rather the type of job they may procure upon retirement; (4) the type of job they procure post-retirement, if contingent upon having a specified security clearance and performing specified duties for a private corporation, is a rational and fair basis for granting tax benefits to them which are denied to other veterans not similarly employed by a private corporation; (5) the state is as grateful to the non-elitist veterans for their honorable service as it is to the elitists, but the needs of private corporations must take precedence over the desirability of treating all veterans with the same generosity when tax benefits are to be bestowed by the state; (6) the state cannot afford the cost of granting the same benefits to all veterans who may be worthy of tax breaks, so the difficult decision must be made to set apart those elitist-veterans who provide a needed service to the private corporations which employ them; (7) non-elitist veterans and their families have a duty to understand and agree with the decision of the state to advance the interests of certain categories of private corporations by doing what it can to provide acceptable, qualified workers to such private corporations; (8) the business of the state is business, and the nature of a job is sufficient justification to differentiate between and among veterans when to do so benefits private businesses; (9) veterans having the type of clearance specified in subsection (12) of section 77-2716 are, indeed, of a higher order than veterans who merely served honorably but did not procure or do no hold such a clearance; and (10) God should richly bless Nebraska, if not all of America, for this largesse bestowed upon elitist-veterans.

2. Renumber the remaining section accordingly.

SPEAKER BRASHEAR PRESIDING

Senator Cornett offered the following motion:
Invoke cloture on LB 478, pursuant to Rule 7, Section 10.

Senator Cornett moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Chambers requested a roll call vote on the Cornett motion to invoke cloture.

Voting in the affirmative, 34:

Aguilar	Combs	Friend	Kruse	Pedersen, Dw.
Baker	Connealy	Heidemann	Landis	Redfield
Beutler	Cornett	Hudkins	Langemeier	Schrock
Bourne	Cunningham	Janssen	Louden	Smith
Brown	Erdman	Jensen	McDonald	Thompson
Burling	Flood	Johnson	Mines	Wehrbein
Byars	Foley	Kremer	Pahls	

Voting in the negative, 4:

Chambers	Preister	Raikes	Synowiecki

Present and not voting, 10:

Brashear	Engel	Kopplin	Price	Stuhr
Cudaback	Howard	Pederson, D.	Schimek	Stuthman

Excused and not voting, 1:

Fischer

The Cornett motion to invoke cloture prevailed with 34 ayes, 4 nays, 10 present and not voting, and 1 excused and not voting.

The Chambers amendment, AM2539, lost with 3 ayes, 20 nays, 25 present and not voting, and 1 excused and not voting.

Senator Cornett requested a roll call vote on her amendment, AM1810.

Voting in the affirmative, 30:

Aguilar	Byars	Foley	Johnson	Pahls
Baker	Combs	Friend	Kruse	Redfield
Beutler	Connealy	Heidemann	Landis	Schrock
Brashear	Cornett	Howard	Langemeier	Stuthman
Brown	Cunningham	Janssen	Louden	Thompson
Burling	Flood	Jensen	Mines	Wehrbein

Voting in the negative, 3:

Chambers	Engel	Synowiecki

Present and not voting, 15:

Bourne	Hudkins	McDonald	Preister	Schimek
Cudaback	Kopplin	Pedersen, Dw.	Price	Smith
Erdman	Kremer	Pederson, D.	Raikes	Stuhr

Excused and not voting, 1:

Fischer

The Cornett amendment was adopted with 30 ayes, 3 nays, 15 present and not voting, and 1 excused and not voting.

Senator Cornett requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 23:

Aguilar	Byars	Foley	Louden	Stuthman
Baker	Combs	Janssen	Pahls	Thompson
Beutler	Connealy	Jensen	Raikes	Wehrbein
Brown	Cornett	Johnson	Redfield	
Burling	Flood	Landis	Schrock	

Voting in the negative, 9:

Chambers	Kopplin	Pedersen, Dw.	Schimek	Synowiecki
Engel	Langemeier	Preister	Smith	

Present and not voting, 16:

Bourne	Erdman	Hudkins	Mines
Brashear	Friend	Kremer	Pederson, D.
Cudaback	Heidemann	Kruse	Price
Cunningham	Howard	McDonald	Stuhr

Excused and not voting, 1:

Fischer

Failed to advance to E & R for engrossment with 23 ayes, 9 nays, 16 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

SENATOR CUDABACK PRESIDING

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 881A. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 881, Ninety-ninth Legislature, Second Session, 2006.

LEGISLATIVE BILL 1088A. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1088, Ninety-ninth Legislature, Second Session, 2006.

LEGISLATIVE BILL 1079A. Introduced by McDonald, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1079, Ninety-ninth Legislature, Second Session, 2006.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: LB 875.

Correctly Engrossed

The following bills were correctly engrossed: LBs 196, 409, 757, 795, 860, and 1116.

ER9074

Enrollment and Review Change to LB 196

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 5, "quorum" has been struck and "program" inserted.

ER9070

Enrollment and Review Change to LB 875
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 37, line 11, "23" has been struck and "24" inserted; and in line 13 "21" has been struck and "22" inserted.

(Signed) Michael Flood, Chairperson

SELECT FILE

LEGISLATIVE BILL 853. Senator Baker renewed his pending amendment, AM2348, found on page 715.

Senator Beutler withdrew his pending amendment, FA480, found on page 716.

Senator Beutler renewed his pending amendment, FA481, found on page 730, to the Baker pending amendment.

The Beutler amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

The Baker amendment, as amended, was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Senator Cunningham renewed his pending amendment, AM2296, found on page 725.

The Cunningham amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Senator Smith renewed his pending amendment, AM2357, found on page 730

Senator Smith withdrew his amendment.

Senator Erdman renewed his pending amendment, AM2421, found on page 769.

The Erdman amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Senator Wehrbein renewed the Wehrbein-Stuthman pending amendment, AM2495, found on page 825.

The Wehrbein-Stuthman amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Senator Heidemann offered the following amendment:
FA522
Amendments to E & R amendments, AM7161
1 1. On page 4, strike beginning with "Any" in line 1

through the period in line 7, show the old matter as stricken, and insert " For carrying grain or other seasonally harvested products from the field where such grain or products are harvested to storage, market, or stockpile in the field or from stockpile to market or factory up to seventy miles: (a) Any motor vehicle, semitrailer, or trailer may operate with a load that exceeds the maximum load permitted by section 60-6,294 by fifteen percent on any tandem axle, group of axles, and gross weight; and (b) any truck with no more than two axles may operate with a load that exceeds the maximum load and gross weight for a single axle permitted by section 60-6,294 by fifteen percent. ".

Senator Heidemann withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 872. Senator Preister withdrew his pending amendment, AM2383, found on page 751.

Senator Preister offered the following amendment:
AM2550

1. Insert the following new sections:

Section 1. Section 77-2701, Revised Statutes Supplement, 2005, is amended to read:

77-2701 Sections 77-2701 to 77-27,135.01, 77-27,222, and 77-27,228 to 77-27,234 and section 2 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967.

Sec. 2. (1) Any producer of electricity generated by a new zero-emission facility shall earn a renewable energy tax credit. For electricity generated on or after the effective date of this act, and before January 1, 2010, the credit shall be .075 cent for each kilowatt-hour of electricity generated by a new zero-emission facility. For electricity generated on or after January 1, 2010, and before January 1, 2013, the credit shall be .05 cent per kilowatt-hour for electricity generated by a new zero-emission facility. For electricity generated on or after January 1, 2013, and before January 1, 2018, the credit shall be .025 cent per kilowatt-hour for electricity generated by a new zero-emission facility. The credit may be earned for production of electricity for ten years after the date that the facility is placed in operation on or after the effective date of this act.

(2) For purposes of this section:

(a) Electricity generated by a new zero-emission facility means electricity that is exclusively produced by a new zero-emission facility;

(b) Eligible renewable resources means wind, moving water, solar, geothermal, fuel cell, methane gas, or photovoltaic technology; and

(c) New zero-emission facility means an electrical generating facility located in this state that is first placed into service on or after the effective date of this act with a rated production of one megawatt or greater which utilizes eligible renewable resources as its fuel source and for which the operation of the facility results in no pollution or emissions that are or may be harmful to the environment as certified by the Department of Environmental Quality.

(3) The credit allowed under this section may be used to reduce the producer's Nebraska income tax liability or to obtain a refund of state sales and use taxes paid by the producer of electricity generated by a zero-emission facility. A claim to use the credit for refund of the state sales and use taxes paid, either directly or indirectly, by the producer may be filed quarterly for electricity generated during the previous quarter by the twentieth day of the month following the end of the calendar quarter. The credit may be used to obtain a refund of state sales and use taxes paid during the quarter immediately preceding the quarter in which the claim for refund is made, except that the amount refunded under this subsection shall not exceed the amount of the state sales and use taxes paid during the quarter.

(4) The Department of Revenue may adopt and promulgate rules and regulations to permit verification of the validity and timeliness of any renewable energy tax credit claimed.

(5) The Environmental Quality Council may adopt and promulgate rules and regulations to certify that the operation of a new zero-emission facility results in no pollution or emissions that are or may be harmful to the environment.

(6) The total amount of renewable energy tax credits that may be used by all taxpayers shall be limited to four hundred thousand dollars without further authorization from the Legislature.

2. On page 24, line 23, strike "section" and insert "sections 77-2701 and".

3. Renumber the remaining sections accordingly.

The Preister amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 994A. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 994, Ninety-ninth

Legislature, Second Session, 2006; to reduce appropriations; and to declare an emergency.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 771, 787, 789, 792, 815, 819, 823, 833, 921, 941, 1008, 1008A, 1066, 1067, and 1178.

ER9071

Enrollment and Review Change to LB 833

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Byars amendment, AM2507, on page 2, line 19, "in" has been struck.

2. On page 1, line 3, "section" has been struck and "sections 71-104.01 and" inserted; and in line 5 "consultation by nonresidents" has been struck and "the authorized practice of medicine and surgery" inserted.

(Signed) Michael Flood, Chairperson

AMENDMENTS - Print in Journal

Senator Cudaback filed the following amendment to LB 663:
AM2522

(Amendments to E & R amendments, AM7174)

1. Strike section 30.
2. On page 27, line 23, strike "60-3,131,".
3. Renumber the remaining sections accordingly.

Senator Chambers filed the following amendment to LB 663:
FA517
Amendment to AM1816

P. 4, line 13 strike "originally"

Senator Chambers filed the following amendment to LB 663:
FA518
Amendment to AM1816

P. 6, line 12 after "statement" insert "in the form prescribed by the department" and in line 13 strike "in the form prescribed by the department".

Senator Chambers filed the following amendment to LB 663:
FA519
Amendment to AM1816

P. 6, lines 14 and 15 strike "may" and insert "shall".

Senator Chambers filed the following amendment to LB 663:
FA520
Amendment to AM1816
P. 8, line 2 strike "for a determination" and insert "who shall determine".

Senator Beutler filed the following amendment to LB 856:
AM2515

(Amendments to E & R amendments, AM7165)

1. On page 16, line 15, after the period insert "No general funds shall be appropriated for implementation of sections 54-2607 to 54-2627 after the date of commencement provided for in this section of reporting of price and other data regarding livestock transactions pursuant to sections 54-2613 and 54-2623. It is the intent of the Legislature that any general funds appropriated for purposes of this section shall be reimbursed to the General Fund.".

Senator Mines filed the following amendment to LB 562:
AM2447

1. Strike original section 2 and insert the following new sections:

Sec. 2. Section 53-123.04, Reissue Revised Statutes of Nebraska, is amended to read:

53-123.04 (1) A retail license shall allow the licensee to sell and offer for sale at retail either in the original package or otherwise, as prescribed in the license, on the premises specified in the license or on the premises where catering is occurring, alcoholic liquor or beer for use or consumption but not for resale in any form except as provided in section 53-175.

(2) Nothing in the Nebraska Liquor Control Act shall prohibit a holder of a Class D license from allowing the sampling of tax-paid wine for consumption on the premises by such licensee or his or her employees in cooperation with a licensed wholesaler in the manner prescribed by the commission.

(3)(a) A restaurant holding a license to sell alcoholic liquor at retail for consumption on the licensed premises may permit a customer to remove one unsealed bottle of wine for consumption off the premises if the customer has purchased a full-course meal and consumed a portion of the bottle of wine with such full-course meal on the licensed premises. The licensee or his or her agent shall (i) securely reseal such bottle and place the bottle in a bag designed so that it is visibly apparent that the resealed bottle of wine has not been opened or tampered with and (ii) provide a dated receipt to the customer and attach to such bag a copy of the dated receipt for the resealed bottle of wine and the full-course meal.

(b) If the resealed bottle of wine is transported in a motor vehicle, it must be placed in the trunk of the motor vehicle or the area behind the last upright seat of such motor vehicle if

the area is not normally occupied by the driver or a passenger and the motor vehicle is not equipped with a trunk.

(c) For purposes of this subsection, full-course meal means a diversified selection of food which is ordinarily consumed with the use of tableware and cannot conveniently be consumed while standing or walking.

Sec. 3. Section 53-123.11, Reissue Revised Statutes of Nebraska, is amended to read:

53-123.11 (1) A farm winery license shall entitle the holder to:

(a) Sell wines produced at the farm winery onsite at wholesale and retail and to sell wines produced at the farm winery at off-premises sites holding the appropriate retail license;

(b) Sell wines produced at the farm winery at retail for consumption on the premises;

(c)(i) Permit a customer to remove one unsealed bottle of wine for consumption off the premises. The licensee or his or her agent shall (A) securely reseal such bottle and place the bottle in a bag designed so that it is visibly apparent that the resealed bottle of wine has not been opened or tampered with and (B) provide a dated receipt to the customer and attach to such bag a copy of the dated receipt for the resealed bottle of wine.

(ii) If the resealed bottle of wine is transported in a motor vehicle, it must be placed in the trunk of the motor vehicle or the area behind the last upright seat of such motor vehicle if the area is not normally occupied by the driver or a passenger and the motor vehicle is not equipped with a trunk;

~~(c)~~ (d) Ship wines produced at the farm winery by common carrier and sold at retail to recipients in and outside the State of Nebraska, if the output of such farm winery for each calendar year as reported to the commission by December 31 of each year does not exceed thirty thousand gallons. In the event such amount exceeds thirty thousand gallons, the farm winery shall be required to use a licensed wholesaler to distribute its wines for the following calendar year, except that this requirement shall not apply to wines produced and sold onsite at the farm winery pursuant to subdivision (1)(a) of this section; and

~~(d)~~ (e) Allow sampling of the wine at the farm winery and at one branch outlet in the state in reasonable amounts.

(2) No farm winery shall manufacture wine in excess of fifty thousand gallons per year.

Sec. 4. Section 60-6,211.08, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,211.08 (1) For purposes of this section:

(a) Alcoholic beverage means (i) beer, ale porter, stout, and other similar fermented beverages, including sake or similar products, of any name or description containing one-half of one percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor, (ii) wine of

not less than one-half of one percent of alcohol by volume, or (iii) distilled spirits which is that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced. Alcoholic beverage does not include trace amounts not readily consumable as a beverage;

(b) Highway means a road or street including the entire area within the right-of-way;

(c) Open alcoholic beverage container, except as provided in subsection (3) of section 53-123.04 and subdivision (1)(c) of section 53-123.11, means any bottle, can, or other receptacle:

(i) That contains any amount of alcoholic beverage; and

(ii)(A) That is open or has a broken seal or (B) the contents of which are partially removed; and

(d) Passenger area means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including any compartments in such area. Passenger area does not include the area behind the last upright seat of such motor vehicle if the area is not normally occupied by the driver or a passenger and the motor vehicle is not equipped with a trunk.

(2) It is unlawful for any person in the passenger area of a motor vehicle to possess an open alcoholic beverage container while the motor vehicle is located in a public parking area or on any highway in this state.

(3) Except as provided in section 53-186, it is unlawful for any person to consume an alcoholic beverage (a) in a public parking area or on any highway in this state or (b) inside a motor vehicle while in a public parking area or on any highway in this state.

Sec. 5. Original sections 53-103, 53-123.04, 53-123.11, and 60-6,211.08, Reissue Revised Statutes of Nebraska, are repealed.

Senator Byars filed the following amendment to LB 994:
AM2532

1. On page 15, line 13, strike "January", show as stricken, and insert "July"; and in line 19 strike "amended", show as stricken, and insert "such act existed on the operative date of this section".

2. On page 16, line 1, strike "amended", show as stricken, and insert "such title existed on the operative date of this section".

3. On page 17, line 11, after "revised" insert "annually"; and in line 12 strike "director annually", show as stricken, and insert "Director of Health and Human Services".

4. On page 33, line 20, after "department" insert ". Such data may be released".

5. On page 34, line 7, after "data" insert "to the"; and in lines 8 and 9 strike the new matter and reinstate the stricken matter.

6. On page 35, line 2, strike "shall" and insert "do" and strike "which one"; and in line 3 strike "other states and" and insert "another state".

7. On page 41, line 4, after the last comma insert "13,"; in line 11 strike "sections 68-1021.01 and" and insert "section"; in line 17 strike the first "and"; and in line 18 after the second comma insert "and section 68-1021.01, Revised Statutes Supplement, 2005,".

Senator Friend filed the following amendment to LB 907:
AM2465

(Amendments to Standing Committee amendments, AM2023)

1. On page 3, line 24, after "paying" insert "to the district".

2. On page 4, strike beginning with the comma in line 4 through "any" in line 5; strike beginning with the first "the" in line 5 through "ordinance" in line 6 and insert "a plan"; in line 7 strike "clerk" and insert "secretary"; in line 8 strike "ten" and insert "forty-five"; and strike beginning with "date" in line 8 through "hearing" in line 9 and insert "effective date of the annexation".

Senator Schrock filed the following amendment to LB 975:
AM2420

(Amendments to Standing Committee amendments, AM2002)

1. On page 14, line 27, after "application" insert "or a permit".

Senator Schrock filed the following amendment to LB 975:
AM2424

(Amendments to FA484)

1. On page 1, line 14, strike the second "permit" and insert "approval"; in line 15, strike "or"; and on line 16 after "permit" insert "or an application for a construction and operating permit or a National Pollutant Discharge Elimination System permit".

UNANIMOUS CONSENT - Add Cointroducer

Senator Combs asked unanimous consent to add her name as cointroducer to LBs 65, 772, 965, 968, 990, 1039, 1047, 1079, 1092, 1179, and LRs 254CA and 259CA. No objections. So ordered.

VISITORS

Visitors to the Chamber were Leslie, Noah, and Lilly Clark; Senator Cunningham's parents, Dean and Elda, from Wausa; Senator Mines' mother, Dorothy, and Jane Carmichael and Cecilia Powers from North Bend; participants in Nebraska Cattlemen's Young Cattlemen's Leadership Conference from across the state; and Jeff Stewart and Lonnie Glenn from Omaha.

The Doctor of the Day was Dr. Hal Pumphrey from Lincoln.

ADJOURNMENT

At 12:00 p.m., on a motion by Senator Bourne, the Legislature adjourned until 9:00 a.m., Thursday, March 2, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-SEVENTH DAY - MARCH 2, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 2, 2006

PRAYER

The prayer was offered by Pastor John Henderson, Burchard United Methodist Church, Burchard.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Heidemann who was excused; and Senators Bourne, Brashear, Burling, Cornett, Cunningham, and Stuthman who were excused until they arrive.

PRESIDENT SHEEHY PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-sixth day was approved.

MESSAGE FROM THE GOVERNOR

February 28, 2006

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the Nebraska Educational Telecommunications Commission.

APPOINTEES:

Dennis W. Miller, Jr., 311 Fairman Street, Lewellen NE 69147
Dr. Steven E. Titus, 2524 Park Place Drive, Fremont NE 68025

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 1143. Placed on General File as amended.
Standing Committee amendment to LB 1143:
AM2552

1. Strike original sections 1, 3, and 4 and insert the following new section:

Sec. 2. Original section 76-883, Reissue Revised Statutes of Nebraska, is repealed.

2. Renumber the remaining section accordingly.

(Signed) Mick Mines, Chairperson

Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Doug Kristensen - Nebraska Information Technology Commission
Janie C. Park - Nebraska Information Technology Commission

VOTE: Aye: Senators Stuthman, Hudkins, Foley, Aguilar, Dw. Pedersen, Smith, Baker and Brown. Nay: None. Absent: None.

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Gene Acklie - Board of Public Roads Classifications and Standards
Barbara Keegan - Board of Public Roads Classifications and Standards
Dean Lux - Board of Public Roads Classifications and Standards
Arthur Yonkey - Board of Public Roads Classifications and Standards

VOTE: Aye: Senators Stuthman, Hudkins, Foley, Aguilar, Dw Pedersen, Smith, Baker and Brown. Nay: None. Absent: None.

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Jamie Karl - Nebraska Railway Council
Robert Kelly - Nebraska Railway Council
Michael Shannon - Nebraska Railway Council

VOTE: Aye: Senators Stuthman, Hudkins, Foley, Aguilar, Dw. Pedersen, Smith, Baker and Brown. Nay: None. Absent: None.

(Signed) Tom Baker, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 1, 2006, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Cutshall & Associates
Credit Advisors

O'Hara, Lindsay & Associates, Inc.
TracFone Wireless, Inc.

Peetz, Natalie, Peetz & Company
Mid-America Companies, LLC/Lundeen

REPORTS

The following reports were received by the Legislature:

Investment Finance Authority
Drinking Water State Revolving Fund Program Notice
Wastewater Treatment Facilities (Clean Water) State Revolving Fund Notice
Property Assessment and Taxation, Department of
Redevelopment Projects for Cities Using Tax Increment Financing

RESOLUTION

LEGISLATIVE RESOLUTION 297. Introduced by Aguilar, 35.

WHEREAS, Brandon Hudiburgh of Grand Island High School won the

189-pound state championship match in Class A at the 2006 Nebraska High School State Wrestling Championship; and

WHEREAS, Brandon defeated top-rated and previously undefeated Josh Marcum of Omaha Benson in the championship match, after being pinned and defeated by technical fall in his previous two matches with Marcum; and

WHEREAS, Brandon is the Grand Island Islanders' all-time leader in victories and team points; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Brandon Hudiburgh on his 189-pound Class A state wrestling championship win.

2. That a copy of this resolution be sent to Brandon Hudiburgh.

Laid over.

MOTIONS - Approve Appointments

Senator Schrock moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 775:

Oil and Gas Conservation Commission
Marquis Reed Gilmore

Voting in the affirmative, 31:

Aguilar	Fischer	Kremer	Pahls	Schrock
Baker	Flood	Kruse	Pedersen, Dw.	Stuhr
Brown	Friend	Landis	Pederson, D.	Wehrbein
Byars	Hudkins	Langemeier	Price	
Combs	Janssen	Louden	Raikes	
Connealy	Johnson	McDonald	Redfield	
Erdman	Kopplin	Mines	Schimek	

Voting in the negative, 0.

Present and not voting, 11:

Beutler	Engel	Jensen	Synowiecki
Chambers	Foley	Preister	Thompson
Cudaback	Howard	Smith	

Excused and not voting, 7:

Bourne	Burling	Cunningham	Stuthman
Brashear	Cornett	Heidemann	

The appointment was confirmed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Senator Schrock moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 795:

Nebraska Power Review Board
Eugene Bade

Voting in the affirmative, 35:

Aguilar	Erdman	Jensen	Louden	Schimek
Baker	Fischer	Johnson	McDonald	Schrock
Beutler	Flood	Kopplin	Mines	Smith
Brown	Friend	Kremer	Pahls	Stuhr
Byars	Howard	Kruse	Pederson, D.	Stuthman
Chambers	Hudkins	Landis	Raikes	Thompson
Combs	Janssen	Langemeier	Redfield	Wehrbein

Voting in the negative, 0.

Present and not voting, 8:

Connealy	Engel	Pedersen, Dw.	Price
Cudaback	Foley	Preister	Synowiecki

Excused and not voting, 6:

Bourne	Burling	Cunningham
Brashear	Cornett	Heidemann

The appointment was confirmed with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Senator Raikes moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 823:

Coordinating Commission for Postsecondary Education
James Strand

Voting in the affirmative, 40:

Aguilar	Cudaback	Jensen	McDonald	Schimek
Baker	Engel	Johnson	Mines	Schrock
Bourne	Erdman	Kopplin	Pahls	Smith
Brown	Fischer	Kremer	Pedersen, Dw.	Stuhr
Byars	Friend	Kruse	Pederson, D.	Stuthman
Chambers	Howard	Landis	Price	Synowiecki
Combs	Hudkins	Langemeier	Raikes	Thompson
Connealy	Janssen	Louden	Redfield	Wehrbein

Voting in the negative, 0.

Present and not voting, 5:

Beutler	Cornett	Flood	Foley	Preister

Excused and not voting, 4:

Brashear	Burling	Cunningham	Heidemann

The appointment was confirmed with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Senator Schimek moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 823:
State Personnel Board
Brian Tessman

Voting in the affirmative, 29:

Aguilar	Cudaback	Janssen	Mines	Schrock
Baker	Erdman	Kopplin	Pedersen, Dw.	Stuhr
Brashear	Fischer	Kremer	Price	Stuthman
Chambers	Friend	Kruse	Raikes	Thompson
Combs	Howard	Landis	Redfield	Wehrbein
Connealy	Hudkins	McDonald	Schimek	

Voting in the negative, 1:

Langemeier

Present and not voting, 16:

Beutler	Cornett	Jensen	Pederson, D.
Bourne	Engel	Johnson	Preister
Brown	Flood	Louden	Smith
Byars	Foley	Pahls	Synowiecki

Excused and not voting, 3:

Burling	Cunningham	Heidemann

The appointment was confirmed with 29 ayes, 1 nay, 16 present and not voting, and 3 excused and not voting.

Senator Baker moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following

appointment(s) found on page 831:
State Highway Commission
Duane W. Acklie
John Kingsbury
Douglas Leafgreen
Greg Wolford

Voting in the affirmative, 30:

Aguilar	Connealy	Howard	Landis	Redfield
Baker	Cornett	Hudkins	McDonald	Schrock
Bourne	Cudaback	Janssen	Pedersen, Dw.	Smith
Brashear	Engel	Kopplin	Pederson, D.	Stuhr
Brown	Erdman	Kremer	Price	Thompson
Chambers	Friend	Kruse	Raikes	Wehrbein

Voting in the negative, 0.

Present and not voting, 16:

Beutler	Flood	Langemeier	Preister
Byars	Foley	Louden	Schimek
Combs	Jensen	Mines	Stuthman
Fischer	Johnson	Pahls	Synowiecki

Excused and not voting, 3:

Burling	Cunningham	Heidemann

The appointments were confirmed with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Senator Baker moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 831:
Nebraska Motor Vehicle Industry Licensing Board
Charles A. Borgmann

Voting in the affirmative, 33:

Aguilar	Cudaback	Jensen	McDonald	Smith
Baker	Engel	Johnson	Pedersen, Dw.	Stuhr
Bourne	Erdman	Kopplin	Pederson, D.	Stuthman
Brashear	Foley	Kremer	Price	Thompson
Chambers	Howard	Kruse	Raikes	Wehrbein
Connealy	Hudkins	Landis	Redfield	
Cornett	Janssen	Langemeier	Schimek	

Voting in the negative, 0.

Present and not voting, 13:

Beutler	Combs	Friend	Pahls	Synowiecki
Brown	Fischer	Louden	Preister	
Byars	Flood	Mines	Schrock	

Excused and not voting, 3:

Burling	Cunningham	Heidemann

The appointment was confirmed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 290. Read. Considered.

LR 290 was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR 290.

SELECT FILE

LEGISLATIVE BILL 856. E & R amendment, AM7165, printed separately and referred to on page 734, was adopted.

Senator Beutler renewed his pending amendment, AM2515, found on page 840.

The Beutler amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Senators Fischer and Kremer offered the following amendment:
AM2564

(Amendments to E & R amendments, AM7165)

1. Insert the following new sections:

Sec. 22. The Department of Agriculture may, within the framework and consistent with standards of the National Animal Identification System, cooperate and coordinate with the Animal and Plant Health Inspection Service of the United States Department of Agriculture and other local, state, and national agencies and organizations, public or private, to define premises where livestock are located, to develop a premises registration system for Nebraska, and to implement other state components of a national

uniform system of animal identification.

Sec. 23. (1) Any information that a person provides to the Department of Agriculture for purposes of premises registration or otherwise for voluntary participation in or compliance with a uniform system of animal identification shall not be subject to public inspection pursuant to sections 84-712 to 84-712.09. The department and its employees or agents shall not disclose such information to any other person or agency except when such disclosure:

(a) Is authorized by the person who provides the information; or

(b) Is necessary for purposes of disease surveillance or to carry out epidemiological investigations related to incidences of animal disease.

(2) The department may disclose information as authorized by this section subject to any confidentiality requirements that the department determines are appropriate under the circumstances.

(3) Any person who violates this section shall be subject to prosecution and penalty for official misconduct pursuant to section 28-924.

(4) Nothing in this section shall be construed to prohibit the department from discussing, reporting, or otherwise disclosing the progress or results of disease surveillance activities or epidemiological investigation related to incidences of animal disease.

Sec. 24. The Revisor of Statutes shall assign sections 22 and 23 of this act within sections 54-701 to 54-705.

2. Renumber the remaining sections accordingly.

The Fischer-Kremer amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Senator Mines offered the following amendment:
AM2563

(Amendments to E & R amendments, AM7165)

1. Insert the following sections:

Sec. 11. Section 28-1008, Revised Statutes Cumulative Supplement, 2004, is amended to read:

28-1008 For purposes of sections 28-1008 to 28-1017:

(1) Abandon means to leave any animal for any length of time without making effective provision for its food, water, or other care as is reasonably necessary for the animal's health;

(2) Animal means any vertebrate member of the animal kingdom. The term does not include an uncaptured wild creature;

(3) Cruelly mistreat means to knowingly and intentionally kill, maim, disfigure, torture, beat, mutilate, burn, scald, or otherwise inflict harm upon any animal;

(4) Cruelly neglect means to fail to provide any animal in one's care, whether as owner or custodian, with food, water, or

other care as is reasonably necessary for the animal's health;

(5) Humane killing means the destruction of an animal by a method which causes the animal a minimum of pain and suffering;

(6) Law enforcement officer means any member of the Nebraska State Patrol, any inspector under the Commercial Dog and Cat Operator Inspection Act, any county or deputy sheriff, any member of the police force of any city or village, or any other public official authorized by a city or village to enforce state or local animal control laws, rules, regulations, or ordinances; and

(7) Police animal means a horse or dog owned or controlled by the State of Nebraska for the purpose of assisting a Nebraska state trooper in the performance of his or her official enforcement duties.

Sec. 12. Section 28-1018, Revised Statutes Cumulative Supplement, 2004, is amended to read:

28-1018 (1) A person, other than an animal control facility or animal shelter, who sells a puppy or kitten under ~~six~~ eight weeks of age without its mother is guilty of a Class V misdemeanor.

(2) For purposes of this section:

(a) Animal control facility means a facility operated by the state or any political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals; and

(b) Animal shelter means a facility used to house or contain dogs or cats and owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of such animals.

Sec. 13. Section 54-627, Reissue Revised Statutes of Nebraska, is amended to read:

54-627 (1) Beginning April 1, 2001, a person shall not operate as a commercial breeder, a dealer, or a boarding kennel and beginning October 1, 2003, a person shall not operate as an animal control facility or an animal shelter unless the person obtains the appropriate license as a commercial breeder, dealer, boarding kennel, animal control facility, or animal shelter. Beginning January 1, 2004, a person shall not operate as a pet shop unless the person obtains a license as a pet shop. A pet shop shall only be subject to the Commercial Dog and Cat Operator Inspection Act and the rules and regulations adopted and promulgated pursuant thereto in any area or areas of the establishment used for the keeping and selling of pet animals.

(2) An applicant for a license shall submit an application for the appropriate license to the department, on a form prescribed by the department, together with ~~a nonreturnable~~ the annual license fee. ~~Such fee shall be one hundred fifty dollars. The license fee shall be paid annually.~~ Such fee

is nonreturnable. Additionally, the department may conduct an inspection of the facilities and sanitation and confinement practices of the applicant or any other practices that may affect the humane treatment of ~~dogs and cats~~ pet animals. Upon receipt of the application and ~~initial~~ annual license fee, the appropriate license may be issued by the department. Such license shall not be transferable to another person or location.

~~(2) The fee charged under this section may be raised or lowered by the director after a public hearing is held outlining the reason for any proposed change in the rate. The maximum rate fixed by the director shall not exceed two hundred dollars.~~

(3) The annual license fee shall be according to a fee schedule prepared by the director. The fees shall be based upon the number of animals served by the licensee, and there shall be startup discounts for new licensees. The maximum annual license fee shall not exceed two hundred fifty dollars.

~~(3)~~ (4) A license to operate as a commercial breeder, a license to operate as a dealer, a license to operate as a boarding kennel, or a license to operate as a pet shop shall be renewed by filing with the department at least thirty days prior to April 1 of each year a renewal application and the annual license fee. A license to operate as an animal control facility or animal shelter shall be renewed by filing with the department at least thirty days prior to October 1 of each year a renewal application and the annual license fee. Failure to renew a license prior to the expiration of the license shall result in an additional fee of twenty dollars required upon application to renew such license.

2. Renumber the remaining sections, correct internal references, and amend the repealer accordingly.

The Mines amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Senator Chambers offered the following amendment:
FA524
Amendment to AM7165
P. 1, line 15 strike "to produce" and insert "for the purpose of producing".

The Chambers amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Senator Chambers offered the following amendment:
FA525
Amendment to AM7165
P. 1, line 18 strike "on one premises" show as stricken and insert "at one location".

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment:
FA526
Amendment to AM7165
P. 2 in lines 13 and 14 strike "retested with two consecutive official negative tests" show as stricken and insert "subjected to retesting which produced two consecutive negative results".

Senator Chambers offered the following amendment to his pending amendment:
FA529
Amendment to FA526
In line 3 after "to" insert "official"

The Chambers amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

The Chambers amendment, FA526, as amended, was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following amendment:
FA527
Amendment to AM7165
P. 7, line 11 strike "from the requirements" and insert "of the requirement to comply with the provisions".

SENATOR CUDABACK PRESIDING

The Chambers amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following amendment:
FA528
Amendment to AM7165
P. 7, line 22 strike "uncaptured" show as stricken after "animals" insert "at large".

The Chambers amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

PRESIDENT SHEEHY PRESIDING

LEGISLATIVE BILL 856A. Advanced to E & R for engrossment.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE RESOLUTION 274CA. Placed on General File.

LEGISLATIVE BILL 1252. Placed on General File.

LEGISLATIVE BILL 385. Placed on General File as amended.
Standing Committee amendment to LB 385:
AM2548

1. On page 7, lines 9 through 12, strike the new matter.

LEGISLATIVE BILL 773. Placed on General File as amended.
Standing Committee amendment to LB 773:
AM2540

1. Strike the original sections and insert the following new sections:

Section 1. (1) The Legislature finds that families have a substantial interest in organizing and attending funerals for deceased relatives and that the rights of families to peacefully and privately mourn the loss of deceased relatives are violated when funerals are targeted for picketing or protest activities.

(2) The Legislature also recognizes individuals have a right to free speech and in the context of funeral ceremonies, the competing interests of picketers and funeral participants must be balanced. Therefore, the Legislature declares that the purposes of sections 1 to 3 of this act are to protect the privacy of grieving families and to preserve the peaceful character of cemeteries, mortuaries, churches, and other places of worship while still providing picketers and protestors the opportunity to communicate their message at a time and place that minimizes the interference with the rights of funeral participants.

Sec. 2. (1) Funeral means the ceremonies and memorial services held in connection with the burial or cremation of the dead but does not include funeral processions on public streets.

(2) Picketing means protest activities engaged in by a person or persons located within three hundred feet of a cemetery, mortuary, church, or other place of worship.

Sec. 3. (1) A person commits the offense of unlawful picketing of a funeral if he or she engages in picketing from one hour prior to through two hours following the commencement of a funeral.

(2) Unlawful picketing of a funeral is a Class III misdemeanor.

Sec. 4. Section 28-101, Revised Statutes Cumulative Supplement, 2004, is amended to read:

28-101 Sections 28-101 to 28-1350 and sections 1 to 3 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.

LEGISLATIVE BILL 924. Placed on General File as amended.
Standing Committee amendment to LB 924:
AM2521

1. Strike the original sections and insert the following new section:

Section 1. Section 76-701, Reissue Revised Statutes of Nebraska, is amended to read:

76-701 ~~As used in sections 76-701 to 76-724, unless the context otherwise requires~~ For purposes of sections 76-701 to 76-726 and section 2 of this act:

(1) Condemner means any legal entity that by law has been granted the right to exercise the power of eminent domain~~,~~ and includes the state and any governmental or political subdivision thereof;

(2) Condemnee means any person, partnership, limited liability company, corporation, or association owning or having an encumbrance on any interest in property that is sought to be acquired by a condemner or in possession of or occupying any such property;

(3) Property means any such interest in real or personal property as the condemner is empowered by law to acquire for public use; and

(4) County judge means the county judge of the county where condemnation proceedings provided by such sections ~~76-701 to 76-724~~ are had.

Sec. 2. (1) A condemner may not take property through the use of eminent domain under sections 76-704 to 76-724 if the taking is for an economic development purpose.

(2) For purposes of this section, economic development purpose means taking property for subsequent use by a commercial for-profit enterprise or to increase tax revenue, tax base, employment, or general economic conditions.

(3) This section does not affect the use of eminent domain for:

(a) Public projects or private projects that make the property available for use by the general public or for use as a right-of-way, aqueduct, pipeline, or similar use;

(b) Removing harmful uses of property if such uses constitute an immediate threat to public health and safety;

(c) Leasing property to a private person who occupies an incidental part of public property or a public facility, such as a retail establishment on the ground floor of a public building;

(d) Acquiring abandoned property;

(e) Clearing defective property title;

(f) Taking private property for use by a public utility or railroad; and

(g) Taking private property based upon a finding of blighted or substandard conditions under the Community Development Law if the private property is not agricultural land or horticultural land as defined in section 77-1359.

Sec. 3. Original section 76-701, Reissue Revised Statutes of Nebraska, is repealed.

LEGISLATIVE BILL 1227. Placed on General File as amended.
Standing Committee amendment to LB 1227:
AM2555

1. Insert the following new section:

Sec. 10. Since an emergency exists, this act takes effect when passed and approved according to law.

(Signed) Patrick J. Bourne, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 786. Placed on General File as amended.
Standing Committee amendment to LB 786:
AM2533

1. Strike the original sections and insert the following new sections:

Section 1. Section 32-101, Revised Statutes Supplement, 2005, is amended to read:

32-101 Sections 32-101 to 32-1551 and section 4 of this act shall be known and may be cited as the Election Act.

Sec. 2. Section 32-1301, Reissue Revised Statutes of Nebraska, is amended to read:

32-1301 For purposes of sections 32-1301 to 32-1309~~,~~ ~~filing clerk shall mean~~ and section 4 of this act:

(1) Filing clerk means the election commissioner or county clerk for recall of elected officers of cities, villages, counties, irrigation districts, natural resources districts, public power districts, school districts, community college areas, educational service units, hospital districts, and metropolitan utilities districts; ~~.~~

(2) Malfeasance means the willful commission of an unlawful or wrongful act in the performance of the duties of a public official which is outside the scope of the authority of the public official and which infringes on the rights of any person or entity;

(3) Misfeasance means the negligent performance of the duties of a public official or the negligent failure to perform a specific act which is a required part of the duties of the public official; and

(4) Nonfeasance means the willful failure to perform a specific act which is a required part of the duties of the public official.

Sec. 3. Section 32-1302, Reissue Revised Statutes of Nebraska, is amended to read:

32-1302 (1) Except ~~for trustees of sanitary and improvement districts~~ as otherwise provided in sections 31-786 to 31-793, any elected official of a political subdivision and any elected member of the governing bodies of cities, villages, counties, irrigation districts, natural resources districts, public power districts, school districts, community college areas, educational service units, hospital districts, and metropolitan utilities districts may be removed from office by recall pursuant to sections 32-1301 to 32-1309 and section 4 of this act. ~~A trustee of a sanitary and improvement district may be removed from office by recall pursuant to sections 31-786 to 31-793.~~

(2) If due to reapportionment the boundaries of the area served by the official or body change, the recall procedure and special election provisions of sections 32-1301 to 32-1309 and section 4 of this act shall apply to the registered voters within the boundaries of the new area.

(3) The recall procedure and special election provisions of such sections shall apply to members of the governing bodies listed in subsection (1) of this section~~, other than sanitary and improvement districts,~~ who are elected by precinct, district, or subdistrict of the political subdivision. Only registered voters of such member's precinct, district, or subdistrict may sign a recall petition or vote at the recall election. The recall election shall be held within the member's precinct, district, or subdistrict. When an elected member is nominated by precinct, district, or subdistrict in the primary election and elected at large in the general election, the recall provisions shall apply to the registered voters at the general election.

(4) The recall procedure and special election provisions shall apply to the mayor and members of the city council of municipalities with a home rule charter notwithstanding any contrary provisions of the home rule charter.

Sec. 4. One or more registered voters proposing the recall of an elected official or elected member of a governing body listed in section 32-1302 shall submit to the filing clerk a statement, in typewritten form and in concise language of sixty words or less, stating allegations supporting the grounds of malfeasance, misfeasance, or nonfeasance in office for which recall is sought. Such voter or voters shall be deemed to be the principal circulator or circulators of the recall petition.

Sec. 5. Section 32-1303, Reissue Revised Statutes of Nebraska, is amended to read:

32-1303 (1) A petition demanding that the question of removing an elected official or elected member of a governing body listed in section 32-1302 be submitted to the registered voters shall be signed by registered voters equal in number to at least thirty-five percent of the total vote cast for that office in the

last general election, except that (a) for an office for which more than one candidate is chosen, the petition shall be signed by registered voters equal in number to at least thirty-five percent of the number of votes cast for the person receiving the most votes for such office in the last general election, (b) for a member of a board of a Class I school district, the petition shall be signed by registered voters of the school district equal in number to at least twenty-five percent of the total number of registered voters residing in the district on the date that the recall petitions are first checked out from the filing clerk by the principal circulator, and (c) for a member of a governing body of a village, the petition shall be signed by registered voters equal in number to at least forty-five percent of the total vote cast for the person receiving the most votes for that office in the last general election. The signatures shall be affixed to petition papers and shall be considered part of the petition.

(2) Petition circulators shall conform to the requirements of section 32-630.

(3) The petition papers shall be procured from the filing clerk. Prior to the issuance of such petition papers, an affidavit shall be signed and filed with the filing clerk by ~~at least one registered voter. Such voter or voters shall be deemed to be~~ the principal circulator or circulators of the recall petition. The affidavit shall state the name and office of the elected official or elected member sought to be removed, shall include ~~in typewritten form in concise language of sixty words or less the reason or reasons for which recall is sought~~ the statement of allegations filed under section 4 of this act, and shall request that the filing clerk issue initial petition papers to the principal circulator for circulation.

(4) The filing clerk shall notify the ~~official~~ individual sought to be removed by any method specified in section 25-505.01 or, if notification cannot be made with reasonable diligence by any of the methods specified in section 25-505.01, by leaving a copy of the affidavit at the ~~official's~~ individual's usual place of residence and mailing a copy by first-class mail to the ~~official's~~ individual's last-known address. ~~If the official chooses~~ Within twenty days after the individual receives the copy of the affidavit, he or she may submit a defense statement in typewritten form and in concise language of sixty words or less for inclusion on the petition or he or she may file a suit in the district court having jurisdiction over the county in which the individual resides. The district court shall conduct a hearing on the statement. The clerk of the district court shall notify the individual whose removal is sought and the principal circulator of the hearing date. Both parties may appear with counsel. The court shall hear arguments as to the sufficiency of the allegations. The district court shall determine, without cost to any party, whether or not the allegations in the statement show, by a preponderance

of the evidence, the existence of the grounds of malfeasance, misfeasance, or nonfeasance in office. The clerk of the district court shall notify the filing clerk and both parties of the court's decision within five days after the decision is rendered. If grounds are found to exist, the individual whose removal is sought may submit a defense statement as described in this subsection within twenty days after receiving the notice of the decision. Upon receipt of the defense statement or upon the expiration of such twenty-day period if no defense statement is submitted, the filing clerk shall issue the petition papers to the principal circulator or circulators pursuant to this section. If grounds are found not to exist, the filing clerk shall not issue the petition papers. ~~Any such defense statement shall be submitted to the filing clerk within twenty days after the official receives the copy of the affidavit.~~

(5) The filing clerk shall notify the principal circulator or circulators that the necessary signatures must be gathered within thirty days after ~~from~~ the date of issuing the petitions.~~(4)~~ The filing clerk, upon issuing the initial petition papers or any subsequent petition papers, shall enter in a record, to be kept in his or her office, the name of the principal circulator or circulators to whom the papers were issued, the date of issuance, and the number of papers issued. The filing clerk shall certify on the papers the name of the principal circulator or circulators to whom the papers were issued and the date they were issued. No petition paper shall be accepted as part of the petition unless it bears such certificate. The principal circulator or circulators who check out petitions from the filing clerk may distribute such petitions to persons who may act as circulators of such petitions.

~~(5)~~ (6) Petition signers shall conform to the requirements of sections 32-629 and 32-630. Each signer of a recall petition shall be a registered voter and qualified by his or her place of residence to vote for the office in question.

Sec. 6. Section 32-1304, Reissue Revised Statutes of Nebraska, is amended to read:

32-1304 (1) The Secretary of State shall design the uniform petition papers to be distributed by all filing clerks and shall keep a sufficient number of such blank petition papers on file for distribution to any filing clerk requesting recall petitions. The petition papers shall as nearly as possible conform to the requirements of section 32-628.

(2) In addition to the requirements specified in section 32-628, for the purpose of preventing fraud, deception, and misrepresentation, every sheet of each petition paper presented to a registered voter for his or her signature shall have upon it, above the lines for signatures, (a) a statement that the signatories must be registered voters qualified by residence to vote for the office in question and support the holding of a recall

election and (b) in letters not smaller than sixteen-point type in red print (i) the name and office of the individual sought to be recalled, (ii) the ~~reason or reasons for which recall is sought~~ statement of allegations filed under section 4 of this act, (iii) the defense statement, if any, submitted by the elected official or elected member under section 32-1303, and (iv) the name of the principal circulator or circulators of the recall petition. The decision of a county attorney to prosecute or not to prosecute any individual and the finding of the district court under section 32-1303 shall not be stated on a petition as a reason for recall.

(3) Every sheet of each petition paper presented to a registered voter for his or her signature shall have upon it, below the lines for signatures, an affidavit as required in subsection (3) of section 32-628 which also includes language substantially as follows: "and that the affiant stated to each signer, before the signer affixed his or her signature to the petition, the following: (a) The name and office of the individual sought to be recalled, (b) the ~~reason or reasons for which recall is sought as printed on the petition~~ statement of allegations filed under section 4 of this act, (c) the defense statement, if any, submitted by the official or member as printed on the petition, and (d) the name of the principal circulator or circulators of the recall petition."

(4) Each petition paper shall contain a statement entitled Instructions to Petition Circulators prepared by the Secretary of State to assist circulators in understanding the provisions governing the petition process established by sections 32-1301 to 32-1309. The instructions shall include the following statements:

(a) No one circulating this petition paper in an attempt to gather signatures shall sign the circulator's affidavit unless each person who signed the petition paper did so in the presence of the circulator.

(b) No one circulating this petition paper in an attempt to gather signatures shall allow a person to sign the petition until the circulator has stated to the person (i) the object of the petition as printed on the petition, (ii) the name and office of the individual sought to be recalled, (iii) the ~~reason or reasons for which recall is sought as printed on the petition~~ statement of allegations filed under section 4 of this act, (iv) the defense statement, if any, submitted by the official or member as printed on the petition, and (v) the name of the principal circulator or circulators of the recall petition.

Sec. 7. Original sections 32-1301, 32-1302, 32-1303, and 32-1304, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Supplement, 2005, are repealed.

(Signed) DiAnna R. Schimek, Chairperson

Natural Resources

LEGISLATIVE BILL 1097. Placed on General File as amended.
Standing Committee amendment to LB 1097:
AM2519

1. Strike the original section and insert the following new section:

Section 1. The Storm Water Management Plan Program is created. The purpose of the program is to facilitate and fund the duties of cities and counties under the federal Clean Water Act, 33 U.S.C. 1251 et seq., as such act existed on January 1, 2006, regarding storm water runoff under the National Pollutant Discharge Elimination System requirements. The Storm Water Management Plan Program shall function as a grant program administered by the Department of Environmental Quality, using funds appropriated for the program. The department shall deduct from funds appropriated amounts sufficient to reimburse itself for its costs of administration of the grant program. Any city applying for a grant under the program shall have a storm water management plan approved by the department which meets the requirements of the National Pollutant Discharge Elimination System. Grant applications shall be made to the department on forms prescribed by the department. Grant funds shall be distributed by the department as follows:

(1) Not less than eighty percent of the funds available for grants under this section shall be provided to cities and counties in urbanized areas, as identified in 64 Federal Register 68822, as such section existed on January 1, 2006, that apply for grants and meet the requirements of this section. Grants made pursuant to this subdivision shall be distributed proportionately based on the population of applicants within such category, as determined by the most recent federal census update or recount certified by the United States Department of Commerce, Bureau of the Census. Any funds available for grants under this subdivision and not awarded by the end of a calendar year shall be available for grants in the following year; and

(2) Not more than twenty percent of the funds available for grants under this section shall be provided to cities and counties outside of urbanized areas, as identified in 64 Federal Register 68822, as such section existed on January 1, 2006, with populations greater than ten thousand inhabitants as determined by the most recent federal census update or recount certified by the United States Department of Commerce, Bureau of the Census that apply for grants and meet the requirements of this section. Grants under this subdivision shall be distributed proportionately based on the population of applicants within this category as determined by the most recent federal census update or recount certified by the United States Department of Commerce, Bureau of the Census. Any funds available for grants pursuant to this subdivision which

have not been awarded at the end of each calendar year shall be available for awarding grants pursuant to subdivision (1) of this section.

Any city or county receiving a grant under subdivision (1) or (2) of this section shall contribute matching funds equal to twenty percent of the grant amount.

(Signed) Ed Schrock, Chairperson

AMENDMENT - Print in Journal

Senator Wehrbein filed the following amendment to LB 990:
AM2562

1. On page 13, line 10, after "disclose" insert "(a)" and strike "and" and insert ", (b)"; and in line 12 after "year" insert ", and (c) the location of the project".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 766A. Introduced by Howard, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 766, Ninety-ninth Legislature, Second Session, 2006; and to declare an emergency.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 1115. Placed on Select File as amended.
E & R amendment to LB 1115:
AM7175

1. In the Standing Committee amendment, AM2038:

a. On page 2, line 24, strike "effective date of this act" and insert "operative date of this section"; and in line 25 strike "This act" and insert "The Uniform Conflict of Laws Limitations Act";

b. On page 13, line 1, after "magistrate" insert an underscored comma;

c. On page 17, lines 18 and 19, strike the new matter; in line 19 reinstate the stricken matter; and in line 22 strike the paragraphing and "(b) The" and insert "the";

d. On page 18, line 27, strike "are" and insert "is"; and

e. On page 24, line 21, reinstate the stricken matter and strike the new matter.

2. On page 1, strike beginning with "civil" in line 1 through line 5 and insert "legal processes and reporting; to amend sections 25-214, 25-302, 25-307, 25-308, 25-316, 25-322, 25-325,

25-326, 25-329, 25-2009, 29-812, 29-814.01, 30-2603, 42-108, 42-116, 42-371.01, 43-247, 43-2,129, 43-1314, 44-3311, 71-507, 71-510, and 84-917, Reissue Revised Statutes of Nebraska, sections 25-2720.01, 29-4202, 29-4203, 29-4204, 29-4205, 29-4206, 29-4207, 71-612, and 71-628, Revised Statutes Cumulative Supplement, 2004, and section 71-601.01, Revised Statutes Supplement, 2005; to adopt the Uniform Conflict of Laws Limitations Act; to change and eliminate provisions relating to civil actions, courts, search warrants, audiovisual court appearances, payments to minors, marriage ceremonies, foster care placements, and reporting regarding lawyers; to provide for abstracts of marriage, reporting of exposure to infectious diseases, waiver of sovereign immunity, and modification of findings and decisions in contested administrative cases; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 25-215, Reissue Revised Statutes of Nebraska; and to declare an emergency.".

(Signed) Michael Flood, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Miller, Dennis W., Jr. - Nebraska Educational Telecommunications Commission - Education

Titus, Steven E. - Nebraska Educational Telecommunications Commission - Education

(Signed) Pat Engel, Chairperson
Legislative Council, Executive Board

SELECT FILE

LEGISLATIVE BILL 663. E & R amendment, AM7174, printed separately and referred to on page 800, was adopted.

Senator Cudaback renewed his pending amendment, AM2522, found on page 839.

The Cudaback amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Senator Chambers renewed his pending amendment, FA517, found on page 839.

The Chambers amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Senator Chambers renewed his pending amendment, FA518, found on page 839.

The Chambers amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Senator Chambers renewed his pending amendment, FA519, found on page 839.

The Chambers amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Senator Chambers asked unanimous consent to withdraw his pending amendment, FA520, found on page 840, and replace it with his substitute amendment, FA523. No objections. So ordered.

FA523

P. 8, line 4 strike "for a determination of"

The Chambers amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Senator Baker offered the following amendment:

AM2559

(Amendments to E & R amendments, AM7174)

1. Strike section 30 and insert the following new sections:

Sec. 19. Section 60-169, Revised Statutes Supplement, 2005, is amended to read:

60-169 ~~(1) Each~~ (1)(a) Except as otherwise provided in subdivision (b) of this subsection, each owner of a vehicle and each person mentioned as owner in the last certificate of title, when the vehicle is dismantled, destroyed, or changed in such a manner that it loses its character as a vehicle or changed in such a manner that it is not the vehicle described in the certificate of title, shall surrender his or her certificate of title to the county clerk or designated county official of the county where such certificate of title was issued or, if issued by the department, to the department. If the certificate of title is surrendered to the county clerk or designated county official, he or she shall, with the consent of any holders of any liens noted thereon, enter a cancellation upon his or her records and shall notify the department of such cancellation. If the certificate is surrendered to the department, it shall, with the consent of any holder of any lien noted thereon, enter a cancellation upon its records.

(b)(i) In the case of a mobile home or manufactured home for which a certificate of title has been issued, if such mobile home or manufactured home is affixed to real property in

which the owner of the mobile home or manufactured home has an ownership interest, the certificate of title may be surrendered for cancellation to the county clerk or designated county official of the county where such certificate of title is issued or, if issued by the department, to the department, if at the time of surrender the owner submits to the county clerk, the designated county official, or the department an affidavit of affixture on a form provided by the department that contains all of the following, as applicable:

(A) The names and addresses of all of the owners of record of the mobile home or manufactured home;

(B) A description of the mobile home or manufactured home that includes the name of the manufacturer, the year of manufacture, the model, and the manufacturer's serial number;

(C) The legal description of the real property upon which the mobile home or manufactured home is affixed;

(D) A statement that the mobile home or manufactured home is affixed to the real property;

(E) The written consent of each holder of a lien duly noted on the certificate of title to the release of such lien and the cancellation of the certificate of title;

(F) A copy of the certificate of title surrendered for cancellation; and

(G) The name and address of an owner, a financial institution, or another entity to which notice of cancellation of the certificate of title may be delivered.

(ii) The person submitting an affidavit of affixture pursuant to subdivision (b)(i) of this subsection shall swear or affirm that all statements in the affidavit are true and material and further acknowledge that any false statement in the affidavit may subject the person to penalties relating to perjury under section 28-915.

(2) If a certificate of title of a mobile home or manufactured home is surrendered to the county clerk or designated county official, along with the affidavit required by subdivision (1)(b) of this section, he or she shall enter a cancellation upon his or her records, notify the department of such cancellation, forward a duplicate original of the affidavit to the department, and deliver a duplicate original of the executed affidavit under subdivision (1)(b) of this section to the register of deeds for the county in which the real property is located to be filed by the register of deeds. The county clerk or designated county official shall be entitled to collect fees from the person submitting the affidavit in accordance with sections 33-109 and 33-112 to cover the costs of filing such affidavit. If the certificate of title is surrendered to the department, along with the affidavit required by subdivision (1)(b) of this section, the department shall enter a cancellation upon its records and deliver a duplicate original of the executed affidavit under subdivision (1)(b) of this section to

the register of deeds for the county in which the real property is located to be filed by the register of deeds. The department shall be entitled to collect fees from the person submitting the affidavit in accordance with sections 33-109 and 33-112 to cover the costs of filing such affidavit. Following the cancellation of a certificate of title for a mobile home or manufactured home, neither the county clerk, the designated county official, nor the department shall issue a certificate of title for such mobile home or manufactured home, except as provided in subsection (5) of this section.

(3) If a mobile home or manufactured home is affixed to real estate before the operative date of this section, a person who is the holder of a lien or security interest in both the mobile home or manufactured home and the real estate to which it is affixed on such date may enforce its liens or security interests by accepting a deed in lieu of foreclosure or in the manner provided by law for enforcing liens on the real estate.

(4) A mobile home or manufactured home for which the certificate of title has been canceled and for which an affidavit of affixture has been duly recorded pursuant to subsection (2) of this section shall be treated as part of the real estate upon which such mobile home or manufactured home is located. Any lien thereon shall be perfected and enforced in the same manner as a lien on real estate. The owner of such mobile home or manufactured home may convey ownership of the mobile home or manufactured home only as a part of the real estate to which it is affixed.

(5)(a) If an owner of both the mobile home or manufactured home and the real estate described in subdivision (1)(b) of this section intends to detach the mobile home or manufactured home from the real estate, the owner shall do both of the following: (i) Before detaching the mobile home or manufactured home, record an affidavit of detachment in the office of the register of deeds in the county in which the affidavit is recorded under subdivision (1)(b) of this section; and (ii) apply for a certificate of title for the mobile home or manufactured home pursuant to section 60-147.

(b) The affidavit of detachment shall contain all of the following:

(i) The names and addresses of all of the owners of record of the mobile home or manufactured home;

(ii) A description of the mobile home or manufactured home that includes the name of the manufacturer, the year of manufacture, the model, and the manufacturer's serial number;

(iii) The legal description of the real estate from which the mobile home or manufactured home is to be detached;

(iv) A statement that the mobile home or manufactured home is to be detached from the real property;

(v) A statement that the certificate of title of the mobile home or manufactured home has previously been canceled;

(vi) The name of each holder of a lien of record against the real estate from which the mobile home or manufactured home is to be detached, with the written consent of each holder to the detachment; and

(vii) The name and address of an owner, a financial institution, or another entity to which the certificate of title may be delivered.

(6) An owner of an affixed mobile home or manufactured home for which the certificate of title has previously been canceled pursuant to subsection (2) of this section shall not detach the mobile home or manufactured home from the real estate before a certificate of title for the mobile home or manufactured home is issued by the county clerk, designated county official, or department. If a certificate of title is issued by the county clerk, designated county official, or department, the mobile home or manufactured home is no longer considered part of the real property. Any lien thereon shall be perfected pursuant to section 60-164. The owner of such mobile home or manufactured home may convey ownership of the mobile home or manufactured home only by way of a certificate of title.

(7) For purposes of this section:

(a) A mobile home or manufactured home is affixed to real estate if the wheels, towing hitches, and running gear are removed and it is permanently attached to a foundation or other support system; and

(b) Ownership interest means the fee simple interest in real estate or an interest as the lessee under a lease of the real property that has a term that continues for at least twenty years after the recording of the affidavit under subsection (2) of this section.

~~(2)~~ (8) Upon cancellation of a certificate of title in the manner prescribed by this section, the county clerk or designated county official and the department may cancel and destroy all certificates and all memorandum certificates in that chain of title.

Sec. 20. Section 60-193, Revised Statutes Supplement, 2005, is amended to read:

60-193 The statement required by section 60-192 shall be on a form prescribed by the department or shall appear on the certificate of title. Such statement shall be submitted with the application for certificate of title~~, and~~ unless the statement appears on the certificate of title being submitted with the application. The statement required by section 60-192 shall appear on the new certificate of title issued in the name of the transferee. ~~shall have recorded thereon the mileage shown by such statement and a notation that the recorded mileage is actual, not actual, or in excess of the mechanical odometer limit, whichever is applicable.~~ No certificate of title shall be issued for a motor vehicle unless the application is accompanied by such statement or

unless the information required by such statement appears on the certificate of title being submitted with the application.

Sec. 35. Sections 19 and 37 of this act become operative on June 1, 2006. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 36 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 37. Original section 60-169, Revised Statutes Supplement, 2005, is repealed.

Sec. 38. Original section 60-193, Revised Statutes Supplement, 2005, is repealed.

Sec. 39. Since an emergency exists, this act takes effect when passed and approved according to law.

2. On page 11, strike beginning with "in" in line 8 through "department" in line 9 and show as stricken.

3. On page 27, line 23, strike "60-3,131,".

4. Renumber the remaining sections and correct internal references accordingly.

Senator Beutler offered the following amendment to the Baker pending amendment:
AM2577

(Amendments to AM2559)

1. On page 2, line 2, strike the first "the" and insert "each" and strike "an" and insert "any"; and in line 17 after "affixed" insert "and the names of all of the owners of record of the real property".

2. On page 4, line 23, strike "an" and insert "each".

3. On page 5, line 14, after "detached" insert "and the names of all of the owners of record of the real estate".

The Beutler amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

The Baker amendment, as amended, was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Senator Beutler offered the following amendment:
AM2571

(Amendments to E & R amendments, AM7174)

1. On page 5, line 13, after the period insert "The determination of the department shall be final and nonappealable."; and in line 27 strike "shall" and insert "may".

2. On page 6, line 2, strike "shall" and insert "may"; in line 3 after the period insert "The determination of the department regarding designation of an individual as a qualified car club representative and placement on the list of qualified car club

representatives shall be final and nonappealable."; in line 21 strike "and"; and in line 22 strike "for good cause shown".

The Beutler amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 915. Placed on General File as amended.
Standing Committee amendment to LB 915:
AM2566

1. Strike the original sections and insert the following new sections:

Section 1. For purposes of sections 1 to 4 of this act:

(1) Clandestine drug lab means any area where glassware, heating devices, or other equipment or precursors, solvents, or related articles or reagents are used to unlawfully manufacture methamphetamine;

(2) Contaminated property means an enclosed area of any property intended for human habitation or use which has been contaminated by chemicals, chemical residue, methamphetamine, methamphetamine residue, or other substances from a clandestine drug lab;

(3) Department means the Department of Health and Human Services Regulation and Licensure;

(4) Law enforcement agency has the meaning found in section 81-1401;

(5) Methamphetamine means methamphetamine, its salts, optical isomers, and salts of its isomers;

(6) Local public health department has the meaning found in section 71-1626; and

(7) Rehabilitate or rehabilitation means all actions necessary to ensure that contaminated property is safe for human habitation or use.

Sec. 2. A law enforcement agency that discovers a clandestine drug lab in the State of Nebraska shall report the location of such lab to the Nebraska State Patrol within thirty days after making such discovery. Such report shall include the date of discovery of such lab, the county where the property containing such lab is located, and a legal description of the property or other description or address of such property sufficient to clearly establish its location. As soon as practicable after such discovery, the law enforcement agency shall provide the Nebraska State Patrol with a complete list of the chemicals, including methamphetamine, its precursors, solvents, and related reagents, found at or removed from the location of such

lab. Upon receipt, the Nebraska State Patrol shall promptly forward a copy of such report and list to the department, the Department of Environmental Quality, the municipality or county where the lab is located, and the director of the local public health department serving such municipality or county.

Sec. 3. (1) The public health department serving the municipality or county where a clandestine drug lab has been discovered shall monitor the rehabilitation of any contaminated property at such location in accordance with standards and procedures established or approved by the department. The department shall adopt and promulgate rules and regulations to establish such standards and procedures no later than July 15, 2007. The department, upon request, may approve other standards and procedures that are as stringent as or more stringent than those established by the department as meeting the requirements of this subsection.

(2) A local public health department may charge and collect fees from the owner or owners of contaminated property to cover the costs associated with monitoring the rehabilitation of such property under this section, and may contract with other local public health departments or other appropriate entities to assist in the monitoring of such rehabilitation. Upon the completion of such rehabilitation, the local public health department shall release the property for human habitation and use.

(3) The owner or owners of contaminated property shall not permit the human habitation or use of such property until the rehabilitation of such property has been completed and the property has been released for such habitation or use under this section.

Sec. 4. Notwithstanding any other provision of law, if leased property contains a clandestine drug lab, an owner may terminate the lease agreement upon three days' written notice for the purpose of rehabilitating the contaminated property in accordance with the rules and regulations adopted and promulgated pursuant to section 3 of this act.

(Signed) Jim Jensen, Chairperson

Agriculture

LEGISLATIVE BILL 986. Placed on General File.

LEGISLATIVE BILL 834. Placed on General File as amended.
Standing Committee amendment to LB 834:
AM2505

1. On page 2, line 5, after "seeds" insert "based upon the type, nature, or genetic makeup of such seeds".

LEGISLATIVE BILL 517. Indefinitely postponed.
LEGISLATIVE BILL 964. Indefinitely postponed.

LEGISLATIVE BILL 1018. Indefinitely postponed.
LEGISLATIVE BILL 1053. Indefinitely postponed.

(Signed) Bob Kremer, Chairperson

AMENDMENTS - Print in Journal

Senator Howard filed the following amendment to LB 994:
AM2458

(Amendments to AM2157)

1. Insert the following new section:

Sec. 40. It is the intent of the Legislature to appropriate funds to the Department of Health and Human Services to provide for at least ten full-time income maintenance workers for the department to implement the changes made to sections 68-1713 and 68-1721 by this legislative bill.

Senator Mines filed the following amendment to LB 819:
AM2547

(Amendments to Final Reading copy)

1. Insert the following new sections:

Section 1. Section 81-885.07, Reissue Revised Statutes of Nebraska, is amended to read:

81-885.07 (1) There is hereby created the State Real Estate Commission which shall consist of the Secretary of State, who shall be chairperson of the commission, and six members appointed by the Governor. ~~Four~~ Three of the members of the commission appointed by the Governor shall be active and licensed real estate brokers who have engaged in the real estate business as brokers or associate brokers for not less than five years, which members shall be appointed by the Governor, one from each of the ~~four~~ three congressional districts as the districts were constituted on January 1, ~~1961~~ 2006. The remaining members shall be appointed at large, one of whom shall be representative of the public, ~~and~~ one of whom shall be a licensed real estate salesperson who has engaged in the real estate business as a salesperson for not less than three years, and one of whom shall be an active and licensed real estate broker who has engaged in the real estate business as a broker or associate broker for not less than five years. The member representing the former congressional district 1 on the effective date of this act shall represent congressional district 1 for the balance of his or her term. The member representing the former congressional district 2 on the effective date of this act shall represent congressional district 2 for the balance of his or her term. The member representing the former congressional district 3 on the effective date of this act shall become an at-large member for the balance of his or her term. The member representing the former congressional district 4 on the effective date of this act shall represent congressional district 3

for the balance of his or her term.

(2) At the expiration of the term of any member of the commission, the Governor shall appoint a successor for a term of six years. Any appointed member shall be limited to one six-year term, in addition to any partial term served. In the event of a vacancy on the commission, the Governor shall fill such vacancy by appointing a member to serve during the unexpired term of the member whose office has become vacant. In the absence of the chairperson, the senior member of the commission in point of service present shall serve as presiding officer. Not less than four members of the commission must be present at any official meeting of the commission. The action of the majority of the members of the commission shall be deemed the action of the commission. No appointed person may act as a member of the commission while holding any other elective or appointive state or federal office.

(3) Each member of the commission shall receive as compensation for each day actually spent on official duties at scheduled meetings the sum of one hundred dollars and actual and necessary expenses incurred in the performance of his or her official duties.

(4) The commission shall employ a director who shall keep a record of all the proceedings, transactions, communications, and official acts of the commission, be custodian of all the records of the commission, and perform such other duties as the commission may require. The director shall call a meeting of the commission at his or her discretion or upon the direction of the chairperson or upon a written request of two or more members of the commission. The commission may employ such other employees as may be necessary to properly carry out the Nebraska Real Estate License Act, fix the salaries of such employees, and make such other expenditures as are necessary to properly carry out the act. The office of the commission shall be maintained in Lincoln and all files, records, and property of the commission shall remain in such office. Neither the director nor any employee of the commission may be an officer or paid employee of any real estate association or group of real estate dealers or brokers.

(5) The commission may adopt and promulgate rules and regulations relating to the administration of but not inconsistent with the act.

(6) The commission may conduct or assist in conducting real estate institutes and seminars and incur and pay the necessary expenses in connection therewith, which institutes or seminars shall be open to all licensees.

(7) The commission may charge reasonable fees for services it renders, not to exceed the actual costs thereof, except as otherwise provided in the act. The fees established by the commission pursuant to the act shall be established at the level necessary to meet expenditures of the commission as approved by the

Legislature and to provide a sufficient cash fund balance.

Sec. 2. Section 81-885.17, Reissue Revised Statutes of Nebraska, is amended to read:

81-885.17 (1)(a) A nonresident of this state who is actively engaged in the real estate business, who maintains a place of business in his or her resident regulatory jurisdiction, and who has been duly licensed in that regulatory jurisdiction to conduct such business in that regulatory jurisdiction may, in the discretion of the commission, be issued a nonresident broker's license.

(b) A nonresident salesperson employed by a broker holding a nonresident broker's license may, in the discretion of the commission, be issued a nonresident salesperson's license under such nonresident broker.

(c) A nonresident who becomes a resident of the State of Nebraska and who holds a broker's or salesperson's license in his or her prior resident regulatory jurisdiction shall be issued a resident broker's or salesperson's license upon filing an application, paying the applicable license fee, complying with the criminal history record information check under subsection (4) of this section, and filing the affidavit required by subsection (7) of this section.

(2) Obtaining a nonresident broker's license shall constitute sufficient contact with this state for the exercise of personal jurisdiction over the licensee in any action arising out of the licensee's activity in this state.

(3) Prior to the issuance of any license to any nonresident, he or she shall file with the commission a duly certified copy of the license issued to the applicant by the resident regulatory jurisdiction and pay to the commission the nonresident license fee as provided in section 81-885.14 for the obtaining of a broker's or salesperson's license.

(4) An applicant for an original nonresident broker's or salesperson's license shall be subject to fingerprinting and a check of his or her criminal history record information maintained by the Federal Bureau of Investigation through the Nebraska State Patrol. Each applicant shall furnish to the Nebraska State Patrol a full set of fingerprints to enable a criminal background investigation to be conducted. The applicant shall request that the Nebraska State Patrol submit the fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The applicant shall pay the actual cost, if any, of the fingerprinting and check of his or her criminal history record information. The applicant shall authorize release of the national criminal history record check to the commission. The criminal history record information check shall be completed within ninety days preceding the date the original application for a license is received in the commission's office, and if not, the application shall be returned to the applicant.

(5) Nothing in this section shall preclude the commission from entering into reciprocal agreements with other regulatory jurisdictions when such agreements are necessary to provide Nebraska residents authority to secure licenses in other regulatory jurisdictions.

(6) Nonresident licenses granted as provided in this section shall remain in force for only as long as the requirements of issuing and maintaining a license are met unless (a) suspended or revoked by the commission for just cause or (b) lapsed for failure to pay the annual renewal fee.

(7) Prior to the issuance of any license to a nonresident applicant, an affidavit shall be filed by the applicant with the commission certifying that the applicant has reviewed and is familiar with the Nebraska Real Estate License Act and the rules and regulations of the commission and agrees to be bound by the act, rules, and regulations. Within ninety days after the issuance of a license to a nonresident licensee, the licensee shall provide to the commission adequate proof of completion of a three-hour class approved by the commission specific to the Nebraska Real Estate License Act and the law of agency relationships enumerated in sections 76-2401 to 76-2430. If the licensee fails to provide adequate proof of completion of the approved class to the commission within the ninety-day period, the director of the commission or his or her designee shall place the license on inactive status and notify the licensee that he or she must show cause why the license should not be revoked.

2. On page 1, strike beginning with "the" in line 1 through line 4 and insert "real estate; to amend sections 81-885.07, 81-885.17, and 81-885.20, Reissue Revised Statutes of Nebraska; to change the membership of the State Real Estate Commission to reflect the current congressional districts; to change procedures relating to licenses; to change provisions relating to the Nebraska Real Estate License Act; and to repeal the original sections.".

3. On page 2, line 20, strike "section" and insert "sections 81-885.07, 81-885.17, and"; and in line 21 strike "is" and insert "are".

4. Renumber the remaining sections accordingly.

Senator Synowiecki filed the following amendment to LB 489:
(Amendment, AM2344, is printed separately and available in the Bill Room, Room 1104.)

ANNOUNCEMENT

Senator Raikes announced the Education Committee will hold an executive session Tuesday, March 7, 2006, at 8:00 a.m., in Room 2022.

UNANIMOUS CONSENT - Add Cointroducers

Senator Combs asked unanimous consent to add her name as cointroducer to LBs 773 and 1253. No objections. So ordered.

Senator Fischer asked unanimous consent to add her name as cointroducer to LB 856. No objections. So ordered.

Senator Redfield asked unanimous consent to add her name as cointroducer to LB 965. No objections. So ordered.

VISITORS

Visitors to the Chamber were 36 twelfth-grade students and teacher from Millard West, Omaha; 4 twelfth-grade students and teacher from Diller-Odell School; a delegation from Hartington; 36 twelfth-grade students and teacher from Millard West, Omaha; and Kelsay Varwig from the UNL Student Ambassador Program, Lincoln.

The Doctor of the Day was Dr. Dale Michels from Lincoln.

ADJOURNMENT

At 12:03 p.m., on a motion by Senator Stuhr, the Legislature adjourned until 10:00 a.m., Tuesday, March 7, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

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THIRTY-EIGHTH DAY - MARCH 7, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 7, 2006

PRAYER

The prayer was offered by Pastor Tony Anderson, North Shore Assembly of God, Hastings.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Smith who was excused; and Senators Heidemann, Landis, D. Pederson, Price, and Thompson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 834, line 26, strike "review" and insert "engrossment".
The Journal for the thirty-sixth day was approved as corrected.

The Journal for the thirty-seventh day was approved.

MESSAGE FROM THE GOVERNOR

March 6, 2006

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 14e, 173, 776e, 778, 818e, 887, 1003e, 1007e, and 1111 were received in my office on February 28, 2006.

I signed these bills and delivered them to the Secretary of State on March 6, 2006.

Sincerely,
(Signed) Dave Heineman
Governor

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 904. Placed on General File as amended.
Standing Committee amendment to LB 904:
AM2576

1. Strike the original sections and insert the following new sections:

Section 1. Section 39-2401, Reissue Revised Statutes of Nebraska, is amended to read:

39-2401 There is hereby established the Highway Allocation Fund. There shall be paid into such fund the amounts disbursed from time to time from the Highway Trust Fund as provided by law together with such sums as may be appropriated thereto from the General Fund and proceeds of sales and use taxes credited to the Highway Allocation Fund under section 77-27,132. Any money in the ~~Highway Allocation Fund~~ fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 2. Section 77-27,132, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,132 (1) There is hereby created a fund to be designated the Revenue Distribution Fund which shall be set apart and maintained by the Tax Commissioner. Revenue not required to be credited to the General Fund or any other specified fund may be credited to the Revenue Distribution Fund. Credits and refunds of such revenue shall be paid from the Revenue Distribution Fund. The balance of the amount credited, after credits and refunds, shall be allocated as provided by the statutes creating such revenue.

(2) The Tax Commissioner shall pay to a depository bank designated by the State Treasurer all amounts collected under the Nebraska Revenue Act of 1967. The Tax Commissioner shall present to the State Treasurer bank receipts showing amounts so deposited in the bank, and of the amounts so deposited the State Treasurer shall credit to the Highway Trust Fund all of the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers, except that the proceeds equal to any sales tax rate provided for in section 77-2701.02 that is in excess of five percent derived from motor vehicles, trailers, and semitrailers shall be credited to the ~~General~~ Highway Allocation Fund. The balance of all amounts collected under the Nebraska Revenue Act of 1967 shall be credited to the General Fund.

Sec. 3. This act becomes operative on October 1, 2006.

Sec. 4. Original sections 39-2401 and 77-27,132, Reissue Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 965. Placed on General File as amended.
Standing Committee amendment to LB 965:
AM2587

1. Strike original sections 2 and 4 and insert the following new sections:

Sec. 2. For purposes of the Long-Term Care Savings Plan Act:

(1) Long-term care expense means the cost of long-term care in a long-term care facility and the cost of care provided in a person's home when the person receiving the care is unable to perform multiple basic life functions independently;

(2) Long-term care insurance premiums means premiums paid for a long-term care insurance policy issued pursuant to the Long-Term Care Insurance Act that offers coverage to the individual or the individual's spouse; and

(3) Qualified individual means (a) a person who turned sixty-five years of age or older during the taxable year who has a medical necessity for long-term care during the taxable year, (b) a disabled person who has a medical necessity for long-term care during the taxable year, or (c) a person who turned sixty-two years of age or older during the taxable year who made payments for long-term care insurance premiums during the taxable year.

Sec. 4. A qualified individual as defined in subdivision (3)(a) or (3)(b) of section 2 of this act may make withdrawals from his or her account created under a participation agreement entered into pursuant to section 3 of this act to pay or reimburse long-term care expenses. A qualified individual as defined in subdivision (3)(c) of section 2 of this act may make withdrawals from his or her account created under a participation agreement to pay or reimburse long-term care insurance premiums. Any person who is not a qualified individual or who makes a withdrawal from an account created under a participation agreement for any reason other than payment of a long-term care expense, long-term care insurance premiums, or death of the owner of the account shall be subject to a ten-percent penalty on the amount withdrawn. The Department of Revenue shall collect the penalty.

2. On page 11, line 3, after "act" insert "by a person who is not a qualified individual or"; and in line 4 after "expense" insert ", long-term care insurance premiums,".

LEGISLATIVE BILL 1005. Placed on General File as amended.
Standing Committee amendment to LB 1005:
AM2589

1. Strike original section 1 and insert the following new section:

Section 1. Section 77-27,119.05, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,119.05 On the individual income tax return forms for tax years 2003~~, 2004, and 2005~~ through 2008, the Tax Commissioner shall include on the individual income tax form space in which the individual taxpayer may, if a refund is due, designate one dollar or a greater amount of the refund as a contribution to the Nebraska State Fair. In the case of a joint return, each spouse may designate one dollar or a greater amount of the refund as a contribution to the fund.

LEGISLATIVE BILL 1010. Placed on General File as amended.
Standing Committee amendment to LB 1010:
AM2567

1. Strike the original sections and insert the following new sections:

Section 1. Section 77-27,230, Revised Statutes Supplement, 2005, is amended to read:

77-27,230 (1) A resident individual shall be allowed a credit against the income tax due under the Nebraska Revenue Act of 1967 in an amount equal to ~~thirty~~ fifteen percent of the present value of the aggregate amount of the charitable gift portion of a planned gift made by the individual during the tax year to any qualified endowment. The maximum credit per individual per tax year is ~~ten~~ five thousand dollars. The credit allowed under this section shall not exceed the taxpayer's income tax liability.

~~(2) The credit allowed under this section cannot be claimed to the extent that the taxpayer has included the contribution upon which the amount of the credit was computed as a deduction on his or her state income tax return.~~

~~(3)~~ (2) The credit cannot be carried back or forward, and the credit shall be applied to the tax year in which the planned gift is made.

Sec. 2. Section 77-27,231, Revised Statutes Supplement, 2005, is amended to read:

77-27,231 A contribution to a qualified endowment by a small business corporation, partnership, or limited liability company carrying on any trade or business for which deductions would be allowed under section 162 of the Internal Revenue Code or carrying on any rental activity qualifies for the credit provided in section 77-27,230. The credit shall be attributed to shareholders, partners, or members in the same proportion used to report the corporation's, partnership's, or limited liability company's income or loss for income tax purposes. The maximum credit per shareholder, partner, or member per tax year is ~~ten~~ five thousand dollars~~. , subject to the limitation in subsection (2) of section 77-27,230.~~ The credit allowed under this section may not exceed the taxpayer's income tax liability. The credit cannot be carried back or forward, and the credit shall be applied to the tax

year in which the contribution is made.

Sec. 3. Section 77-27,232, Revised Statutes Supplement, 2005, is amended to read:

77-27,232 A corporation shall be allowed a credit against the income tax due under the Nebraska Revenue Act of 1967 in an amount equal to ~~twenty~~ ten percent of any contribution made by the corporation to a qualified endowment. The maximum credit that may be claimed by a corporation for contributions made per tax year under this section is ~~ten~~ five thousand dollars. The credit allowed under this section shall not exceed the taxpayer's income tax liability. ~~The credit allowed under this section cannot be claimed to the extent that the taxpayer has included the contribution upon which the amount of the credit was computed as a deduction on its state income tax return.~~ The credit cannot be carried back or forward, and the credit shall be applied to the tax year in which the contribution is made.

Sec. 4. Section 77-27,233, Revised Statutes Supplement, 2005, is amended to read:

77-27,233 A contribution to a qualified endowment by a resident estate or trust qualifies for the credit provided in section 77-27,230 if the contribution is a planned gift or in section 77-27,232 if the contribution is an outright gift to a qualified endowment. Any credit not used by the estate or trust may be attributed to each beneficiary of the estate or trust in the same proportion used to report the beneficiary's income from the estate or trust for Nebraska income tax purposes. The maximum credit per beneficiary is ~~ten~~ five thousand dollars, ~~subject to the limitation in subsection (2) of section 77-27,230,~~ and the credit can only be claimed in the tax year in which the contribution is made. The credit cannot be carried back or forward.

Sec. 5. This act becomes operative for taxable years beginning or deemed to begin on or after January 1, 2006, under the Internal Revenue Code of 1986, as amended.

Sec. 6. Original sections 77-27,230, 77-27,231, 77-27,232, and 77-27,233, Revised Statutes Supplement, 2005, are repealed.

LEGISLATIVE BILL 1080. Placed on General File as amended.
Standing Committee amendment to LB 1080:
AM2588

1. Insert the following new section:

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.

2. On page 7, line 9, after the period insert "The list shall be provided by the Tax Commissioner within ninety days after the date the request is received.".

LEGISLATIVE BILL 814. Indefinitely postponed.
LEGISLATIVE BILL 857. Indefinitely postponed.

LEGISLATIVE BILL 911. Indefinitely postponed.
LEGISLATIVE BILL 935. Indefinitely postponed.
LEGISLATIVE BILL 1206. Indefinitely postponed.
LEGISLATIVE BILL 1209. Indefinitely postponed.

(Signed) David Landis, Chairperson

AMENDMENT - Print in Journal

Senators Raikes and Howard filed the following amendment to LB 228:
AM2466

(Amendments to Standing Committee amendments, AM1988)

1. Insert the following new section:

Sec. 3. Original sections 79-211 and 79-212, Reissue Revised Statutes of Nebraska, are repealed.

2. On page 1, strike beginning with the first comma in line 7 through the second comma in line 10; in line 11 strike the new matter and reinstate the stricken matter; and in line 13 after the period insert "The school term for kindergarten shall not be less than (a) for school years prior to school year 2009-10, the number of clock hours provided in section 79-212 and (b) for school year 2009-10 and each school year thereafter, one thousand thirty-two instructional hours in any public school district or accredited private, denominational, or parochial school.".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 32, 87, 87A, 508, 647, 663, 853, 856, 856A, and 872.

ER9073

Enrollment and Review Change to LB 508

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Schrock amendment, AM2468, section 1 has been renumbered as section 5.

2. In the Schrock amendment, AM2244, on page 14, line 2, "46-1217," has been inserted after the first comma.

3. On page 1, the matter beginning with "wells" in line 1 through line 5 has been struck and "; to amend sections 46-286, 46-602, 46-602.01, 46-1208, 46-1217, 46-1233.01, 46-1238, 46-1239, 46-1404, and 46-1405, Reissue Revised Statutes of Nebraska, and section 81-2121, Revised Statutes Supplement, 2004; to define and redefine terms; to change provisions relating to registration, construction, opening, and decommissioning of water wells, breaking seals, and installation of pumps;

to change membership provisions for the Water Well Standards and Contractors' Licensing Board; to harmonize provisions; and to repeal the original sections." inserted.

ER9072

Enrollment and Review Change to LB 647

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Brashear amendment, AM2460:

a. On page 3, line 21, "and 11" has been struck and ", 11," inserted;

b. On page 14, lines 6 and 13, "professional services" has been struck and "a professional service" inserted; in line 8 "services" has been struck and "service" inserted; and in lines 20 and 21, "those professional services" has been struck, shown as stricken, and "that professional service" inserted; and

c. On page 18, line 11, "professional services" has been struck, shown as stricken, and "a professional service" inserted.

2. On page 1, the matter beginning with "limited" in line 1 through line 6 and all amendments thereto have been struck and "corporations and other companies; to amend sections 21-2601, 21-2603, 21-2606, 21-2610, 21-2613, 21-2631.01, 21-2632, and 21-2634, Reissue Revised Statutes of Nebraska, and sections 21-301, 21-304, 21-330, 21-2607, 21-2631, and 21-2639, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to occupation tax biennial reports and claims for excess tax payments; to change provisions relating to the Limited Liability Company Act; to define terms; to harmonize provisions; and to repeal the original sections." inserted.

ER9078

Enrollment and Review Change to LB 663

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Baker amendment, AM2559:

a. Amendment 3 has been struck; and

b. On page 1, line 1, "Strike section 30 and insert" has been struck and "Insert" inserted.

2. In lieu of the Chambers amendment, FA523, in the E & R amendments, AM7174, on page 8, line 4, "for a determination of" has been struck and "who shall determine" inserted.

3. The Chambers amendment, FA519, has been incorporated into the E & R amendments, AM7174, on page 6, lines 16 and 17.

4. The Chambers amendment, FA518, has been incorporated into the E & R amendments, AM7174, on page 6, lines 14 and 15.

5. The Chambers amendment, FA517 has been incorporated into the E & R amendments, AM7174, on page 4, line 13.

6. In the E & R amendments, AM7174:

a. On page 15, line 27; page 17, line 16; page 20, line 12; and page 24, line 7, "23 to 29" has been struck and "25 to 31" inserted;

b. On page 23, line 23; and page 25, line 3, "26" has been struck and "28" inserted;

c. On page 24, line 12, "25" has been struck and "27" inserted;

d. On page 27, line 27, "60-169, 60-193," has been inserted after "60-159,"; and

e. On page 28, line 1, "60-3,131," has been struck; and lines 5 and 6 have been struck and "vehicles; to change provisions relating to certificates of title for mobile homes and manufactured homes; to change provisions relating to odometer statements; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

ER9075

Enrollment and Review Change to LB 853

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Wehrbein-Stuthman amendment, AM2495:

a. Section 15 has been renumbered as section 18; and

b. On page 2, the matter beginning with "7" in line 15 through "60-4,139," in line 16 has been struck and "12, before '60-6,265'" inserted.

2. In the Erdman amendment, AM2421:

a. Section 15 has been struck;

b. Section 16 has been renumbered as section 17; and

c. Amendment 2 has been struck.

3. In the Cunningham amendment, AM2296:

a. Sections 15, 16, 17, and 20 have been renumbered as sections 14, 15, 16, and 21, respectively;

b. On page 1, line 4, "section" has been struck and "sections 16 and" inserted; and in line 10 "17" has been struck and "16" inserted; and

c. On page 4, line 22, "23" has been struck and "24" inserted.

4. In the Beutler amendment, FA481, paragraphing has been inserted before "Such" and "NE" has been struck and "Nebraska" inserted.

5. The Beutler amendment, FA479, has been incorporated into the Baker amendment, AM2348, on page 1, line 5.

6. The Chambers amendment, FA442, has been incorporated into the E & R amendments, AM7161, on page 8, line 13.

7. In the E & R amendments, AM7161:

a. On page 6, line 18; and page 8, line 8, "14" has been struck and "13" inserted;

b. On page 19, lines 15 and 23, "60-4,147.02, and 60-4,147.03" has been struck and "and 60-4,147.02" inserted; in line 20 "60-601, 60-605, 60-6,144," has been inserted after "60-4,142," and "60-6,290," has been inserted after "60-6,267,"; and

c. On page 20, line 3, "to authorize placement of road name signs by local authorities as prescribed; to change issuance provisions for permits for extraordinary use of controlled-access highways; to change provisions regarding the permissible length of certain vehicles;" has been inserted after the semicolon.

ER9077

Enrollment and Review Change to LB 856

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Fischer-Kremer amendment, AM2564, on page 2, line 11, "investigation" has been struck and "investigations" inserted; and in lines 13 and 14 "22 and 23" has been struck and "25 and 26" inserted.

2. In the E & R amendments, AM7165:

a. On page 14, line 6, "21" has been struck and "24" inserted;

b. On page 16, lines 16 and 22, "54-627," has been inserted after the second comma; in lines 19 and 24 "and 2-3005" has been struck and "2-3005, 28-1008, and 28-1018" inserted; in line 27 "to change prohibited acts relating to animals;" has been inserted after the semicolon; and

c. On page 17, line 1, "and redefine" has been inserted after "define" and "to change fee provisions for licensure under the Commercial Dog and Cat Operator Inspection Act;" has been inserted after the second semicolon; and in line 4 "to authorize a livestock premises and animal identification system as prescribed;" has been inserted after the first semicolon and "to provide a duty for the Revisor of Statutes;" has been inserted after the second semicolon.

3. On page 1, line 1, "agriculture" has been struck and "animals" inserted.

ER9076

Enrollment and Review Change to LB 872

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 1, "Environmental Protection Act" has been struck and "environment" inserted; in line 3 "section" has been struck and "sections 77-2701 and" inserted; in line 4 "to provide a renewable energy tax credit;" has been inserted after the semicolon; and in line 5 "under the Environmental Protection Act" has been inserted after "programs".

(Signed) Michael Flood, Chairperson

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 196 with 33 ayes, 2 nays, 8 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 196.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-408, 85-1402, and 85-1409, Reissue Revised Statutes of Nebraska, and section 85-1414, Revised Statutes Cumulative Supplement, 2004; to redefine terms; to change provisions relating to program and project review; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Aguilar	Connealy	Heidemann	Langemeier	Redfield
Baker	Cornett	Howard	Louden	Schimek
Beutler	Cudaback	Hudkins	McDonald	Schrock
Bourne	Cunningham	Janssen	Mines	Stuhr
Brashear	Engel	Jensen	Pahls	Stuthman
Brown	Erdman	Johnson	Pedersen, Dw.	Synowiecki
Burling	Fischer	Kopplin	Pederson, D.	Thompson
Byars	Flood	Kremer	Preister	Wehrbein
Chambers	Foley	Kruse	Price	
Combs	Friend	Landis	Raikes	

Voting in the negative, 0.

Excused and not voting, 1:

Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 409.

A BILL FOR AN ACT relating to homesteads; to amend section 40-104, Reissue Revised Statutes of Nebraska; to change provisions relating to conveyances and encumbrances; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Aguilar	Connealy	Heidemann	Louden	Schimek
Baker	Cornett	Howard	McDonald	Schrock
Beutler	Cudaback	Hudkins	Mines	Stuhr
Bourne	Cunningham	Janssen	Pahls	Stuthman
Brashear	Engel	Jensen	Pedersen, Dw.	Synowiecki
Brown	Erdman	Johnson	Pederson, D.	Thompson
Burling	Fischer	Kopplin	Preister	Wehrbein
Byars	Flood	Kremer	Price	
Chambers	Foley	Landis	Raikes	
Combs	Friend	Langemeier	Redfield	

Voting in the negative, 0.

Present and not voting, 1:

Kruse

Excused and not voting, 1:

Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 757. With Emergency.

A BILL FOR AN ACT relating to the Governor; to amend section 84-106, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to the assignment of appointed deputy state sheriffs as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Aguilar	Connealy	Janssen	McDonald	Schimek
Baker	Cornett	Jensen	Mines	Schrock
Beutler	Cudaback	Johnson	Pahls	Stuhr
Bourne	Cunningham	Kopplin	Pedersen, Dw.	Stuthman
Brashear	Fischer	Kremer	Pederson, D.	Synowiecki
Brown	Flood	Kruse	Preister	Thompson
Byars	Friend	Landis	Price	Wehrbein
Chambers	Howard	Langemeier	Raikes	
Combs	Hudkins	Louden	Redfield	

Voting in the negative, 2:

Erdman Foley

Present and not voting, 3:

Burling Engel Heidemann

Excused and not voting, 1:

Smith

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 771.

A BILL FOR AN ACT relating to the Uniform Disposition of Unclaimed Property Act; to amend section 69-1329, Reissue Revised Statutes of Nebraska; to authorize payment on certain claims; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Aguilar	Connealy	Howard	Langemeier	Raikes
Baker	Cudaback	Hudkins	Louden	Redfield
Beutler	Cunningham	Janssen	McDonald	Schimek
Bourne	Engel	Jensen	Mines	Schrock
Brashear	Erdman	Johnson	Pahls	Stuhr
Brown	Fischer	Kopplin	Pedersen, Dw.	Stuthman
Burling	Flood	Kremer	Pederson, D.	Synowiecki
Byars	Foley	Kruse	Preister	Thompson
Chambers	Friend	Landis	Price	Wehrbein

Voting in the negative, 0.

Present and not voting, 3:

Combs Cornett Heidemann

Excused and not voting, 1:

Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 787. With Emergency.

A BILL FOR AN ACT relating to government; to amend section 55-131, Reissue Revised Statutes of Nebraska; to state intent; to define terms; to provide for calibration of radiological instruments; to provide powers and duties for the Military Department; to provide fees; to create a fund; to harmonize provisions; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Aguilar	Connealy	Heidemann	Langemeier	Redfield
Baker	Cornett	Howard	Louden	Schimek
Beutler	Cudaback	Hudkins	McDonald	Schrock
Bourne	Cunningham	Janssen	Mines	Stuhr
Brashear	Engel	Jensen	Pahls	Stuthman
Brown	Erdman	Johnson	Pedersen, Dw.	Synowiecki
Burling	Fischer	Kopplin	Pederson, D.	Thompson
Byars	Flood	Kremer	Preister	Wehrbein
Chambers	Foley	Kruse	Price	
Combs	Friend	Landis	Raikes	

Voting in the negative, 0.

Excused and not voting, 1:

Smith

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 789.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-392, Revised Statutes Supplement, 2005; to change provisions relating to renewal of registration; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Aguilar	Connealy	Howard	McDonald	Schrock
Baker	Cornett	Hudkins	Mines	Stuhr
Beutler	Cunningham	Janssen	Pahls	Stuthman
Bourne	Engel	Jensen	Pedersen, Dw.	Synowiecki
Brashear	Erdman	Johnson	Pederson, D.	Thompson
Brown	Fischer	Kopplin	Preister	Wehrbein
Burling	Flood	Kremer	Price	
Byars	Foley	Kruse	Raikes	
Chambers	Friend	Landis	Redfield	
Combs	Heidemann	Langemeier	Schimek	

Voting in the negative, 0.

Present and not voting, 2:

Cudaback Louden

Excused and not voting, 1:

Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 792. With Emergency.

A BILL FOR AN ACT relating to state lands; to amend section 90-404, Revised Statutes Cumulative Supplement, 2004; to provide for acquisition of certain property in the city of Bassett by the Game and Parks Commission; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Aguilar	Connealy	Heidemann	Langemeier	Redfield
Baker	Cornett	Howard	Louden	Schimek
Beutler	Cudaback	Hudkins	McDonald	Schrock
Bourne	Cunningham	Janssen	Mines	Stuhr
Brashear	Engel	Jensen	Pahls	Stuthman
Brown	Erdman	Johnson	Pedersen, Dw.	Synowiecki
Burling	Fischer	Kopplin	Pederson, D.	Thompson
Byars	Flood	Kremer	Preister	Wehrbein
Chambers	Foley	Kruse	Price	
Combs	Friend	Landis	Raikes	

Voting in the negative, 0.

Excused and not voting, 1:

Smith

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 815.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-3,131, Revised Statutes Supplement, 2005; to modify permitted uses of historical vehicles to transport passengers for hire; to permit the hauling of other vehicles by historical vehicles; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Aguilar	Connealy	Heidemann	Langemeier	Redfield
Baker	Cornett	Howard	Louden	Schimek
Beutler	Cudaback	Hudkins	McDonald	Stuhr
Bourne	Cunningham	Janssen	Mines	Stuthman
Brashear	Engel	Jensen	Pahls	Synowiecki
Brown	Erdman	Johnson	Pedersen, Dw.	Thompson
Burling	Fischer	Kopplin	Pederson, D.	Wehrbein
Byars	Flood	Kremer	Preister	
Chambers	Foley	Kruse	Price	
Combs	Friend	Landis	Raikes	

Voting in the negative, 0.

Present and not voting, 1:

Schrock

Excused and not voting, 1:

Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 823.

A BILL FOR AN ACT relating to fees; to amend section 33-106.02, Revised Statutes Supplement, 2005; to change fee disposition provisions for

clerks of the district court; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Aguilar	Connealy	Heidemann	Langemeier	Schimek
Baker	Cornett	Howard	Louden	Schrock
Beutler	Cudaback	Hudkins	McDonald	Stuhr
Bourne	Cunningham	Janssen	Mines	Stuthman
Brashear	Engel	Jensen	Pahls	Synowiecki
Brown	Erdman	Johnson	Pedersen, Dw.	Thompson
Burling	Fischer	Kopplin	Preister	Wehrbein
Byars	Flood	Kremer	Price	
Chambers	Foley	Kruse	Raikes	
Combs	Friend	Landis	Redfield	

Voting in the negative, 0.

Present and not voting, 1:

Pederson, D.

Excused and not voting, 1:

Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 833.

A BILL FOR AN ACT relating to the practice of medicine and surgery; to amend section 71-1,102, Reissue Revised Statutes of Nebraska, and sections 71-104.01 and 71-1,103, Revised Statutes Supplement, 2005; to change provisions relating to the authorized practice of medicine and surgery; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Aguilar	Connealy	Heidemann	Langemeier	Redfield
Baker	Cornett	Howard	Louden	Schimek
Beutler	Cudaback	Hudkins	McDonald	Schrock
Bourne	Cunningham	Janssen	Mines	Stuhr
Brashear	Engel	Jensen	Pahls	Stuthman
Brown	Erdman	Johnson	Pedersen, Dw.	Synowiecki
Burling	Fischer	Kopplin	Pederson, D.	Thompson
Byars	Flood	Kremer	Preister	Wehrbein
Chambers	Foley	Kruse	Price	
Combs	Friend	Landis	Raikes	

Voting in the negative, 0.

Excused and not voting, 1:

Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 860.

A BILL FOR AN ACT relating to educational service units; to amend section 79-1221, Reissue Revised Statutes of Nebraska; to change provisions relating to treasurers' surety; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Aguilar	Connealy	Heidemann	Langemeier	Redfield
Baker	Cornett	Howard	Louden	Schimek
Beutler	Cudaback	Hudkins	McDonald	Schrock
Bourne	Cunningham	Janssen	Mines	Stuhr
Brashear	Engel	Jensen	Pahls	Stuthman
Brown	Erdman	Johnson	Pedersen, Dw.	Synowiecki
Burling	Fischer	Kopplin	Pederson, D.	Thompson
Byars	Flood	Kremer	Preister	Wehrbein
Chambers	Foley	Kruse	Price	
Combs	Friend	Landis	Raikes	

Voting in the negative, 0.

Excused and not voting, 1:

Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 921 with 42 ayes, 4 nays, 2 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 921.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend sections 81-1108.01, 81-1116, 81-1117.02, 81-1120.16, 81-1120.23, 84-1205.01, and 84-1228, Reissue Revised Statutes of Nebraska, sections 81-1108, 81-1117, 81-1120.02, 81-1120.03, 86-407, 86-461, 86-519, 86-521, 86-522, 86-523, 86-527, 86-539, 86-551, 86-555, 86-556, 86-557, 86-563, 86-564, 86-568, and 86-570, Revised Statutes Cumulative Supplement, 2004, and section 81-1423, Revised Statutes Supplement, 2005; to provide duties for the Chief Information Officer relating to oversight of the division of communications and the information management services division; to redefine terms; to eliminate powers and duties and obsolete provisions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Aguilar	Connealy	Heidemann	Langemeier	Redfield
Baker	Cornett	Howard	Louden	Schimek
Beutler	Cudaback	Hudkins	McDonald	Schrock
Bourne	Cunningham	Janssen	Mines	Stuhr
Brashear	Engel	Jensen	Pahls	Stuthman
Brown	Erdman	Johnson	Pedersen, Dw.	Synowiecki
Burling	Fischer	Kopplin	Pederson, D.	Thompson
Byars	Flood	Kremer	Preister	Wehrbein
Chambers	Foley	Kruse	Price	
Combs	Friend	Landis	Raikes	

Voting in the negative, 0.

Excused and not voting, 1:

Smith

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 941.

A BILL FOR AN ACT relating to independent boards and commissions; to amend section 81-8,128, Revised Statutes Cumulative Supplement, 2004; to modify provisions related to the State Athletic Commissioner; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Aguilar	Cornett	Howard	Louden	Schimek
Baker	Cudaback	Hudkins	McDonald	Schrock
Beutler	Cunningham	Janssen	Mines	Stuhr
Brashear	Engel	Jensen	Pahls	Synowiecki
Brown	Erdman	Johnson	Pedersen, Dw.	Thompson
Burling	Fischer	Kopplin	Pederson, D.	Wehrbein
Byars	Flood	Kremer	Preister	
Chambers	Foley	Kruse	Price	
Combs	Friend	Landis	Raikes	
Connealy	Heidemann	Langemeier	Redfield	

Voting in the negative, 0.

Present and not voting, 2:

Bourne Stuthman

Excused and not voting, 1:

Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1008.

A BILL FOR AN ACT relating to motor vehicle operator's licenses; to amend section 60-4,118, Reissue Revised Statutes of Nebraska, and sections 60-490 and 60-4,115, Revised Statutes Supplement, 2005; to change the expiration date of certain operators' licenses; to change fees; to harmonize provisions; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure

having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Aguilar	Connealy	Heidemann	Langemeier	Redfield
Baker	Cornett	Howard	Louden	Schimek
Beutler	Cudaback	Hudkins	McDonald	Schrock
Bourne	Cunningham	Janssen	Mines	Stuhr
Brashear	Engel	Jensen	Pahls	Stuthman
Brown	Erdman	Johnson	Pedersen, Dw.	Synowiecki
Burling	Fischer	Kopplin	Pederson, D.	Thompson
Byars	Flood	Kremer	Preister	Wehrbein
Chambers	Foley	Kruse	Price	
Combs	Friend	Landis	Raikes	

Voting in the negative, 0.

Excused and not voting, 1:

Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1008A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1008, Ninety-ninth Legislature, Second Session, 2006.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Aguilar	Connealy	Heidemann	Langemeier	Schimek
Baker	Cornett	Howard	Louden	Schrock
Beutler	Cudaback	Hudkins	McDonald	Stuhr
Bourne	Cunningham	Janssen	Mines	Stuthman
Brashear	Engel	Jensen	Pahls	Synowiecki
Brown	Erdman	Johnson	Pedersen, Dw.	Thompson
Burling	Fischer	Kopplin	Preister	Wehrbein
Byars	Flood	Kremer	Price	
Chambers	Foley	Kruse	Raikes	
Combs	Friend	Landis	Redfield	

Voting in the negative, 0.

Present and not voting, 1:

Pederson, D.

Excused and not voting, 1:

Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1066.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-2805, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to proposed proprietary budget statements; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Aguilar	Connealy	Heidemann	Langemeier	Redfield
Baker	Cornett	Howard	Louden	Schimek
Beutler	Cudaback	Hudkins	McDonald	Schrock
Bourne	Cunningham	Janssen	Mines	Stuhr
Brashear	Engel	Jensen	Pahls	Stuthman
Brown	Erdman	Johnson	Pedersen, Dw.	Synowiecki
Burling	Fischer	Kopplin	Pederson, D.	Thompson
Byars	Flood	Kremer	Preister	Wehrbein
Chambers	Foley	Kruse	Price	
Combs	Friend	Landis	Raikes	

Voting in the negative, 0.

Excused and not voting, 1:

Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1067.

A BILL FOR AN ACT relating to cities and villages; to amend sections 32-568 and 32-569, Reissue Revised Statutes of Nebraska; to change requirements relating to vacancies in elected offices; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Aguilar	Connealy	Heidemann	Langemeier	Redfield
Baker	Cornett	Howard	Louden	Schimek
Beutler	Cudaback	Hudkins	McDonald	Schrock
Bourne	Cunningham	Janssen	Mines	Stuhr
Brashear	Engel	Jensen	Pahls	Stuthman
Brown	Erdman	Johnson	Pedersen, Dw.	Synowiecki
Burling	Fischer	Kopplin	Pederson, D.	Thompson
Byars	Flood	Kremer	Preister	Wehrbein
Chambers	Foley	Kruse	Price	
Combs	Friend	Landis	Raikes	

Voting in the negative, 0.

Excused and not voting, 1:

Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1116. With Emergency.

A BILL FOR AN ACT relating to drugs; to amend sections 71-2426 and 71-2429, Revised Statutes Supplement, 2005; to change provisions of the Cancer Drug Repository Program Act; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Aguilar	Connealy	Heidemann	Langemeier	Redfield
Baker	Cornett	Howard	Louden	Schimek
Beutler	Cudaback	Hudkins	McDonald	Schrock
Bourne	Cunningham	Janssen	Mines	Stuhr
Brashear	Engel	Jensen	Pahls	Stuthman
Brown	Erdman	Johnson	Pedersen, Dw.	Thompson
Burling	Fischer	Kopplin	Pederson, D.	Wehrbein
Byars	Flood	Kremer	Preister	
Chambers	Foley	Kruse	Price	
Combs	Friend	Landis	Raikes	

Voting in the negative, 0.

Present and not voting, 1:

Synowiecki

Excused and not voting, 1:

Smith

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1178.

A BILL FOR AN ACT relating to health care; to amend sections 81-657 and 81-660, Reissue Revised Statutes of Nebraska; to change reporting requirements for the brain injury registry; to repeal the original sections; and to outright repeal section 81-658, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Aguilar	Connealy	Heidemann	Langemeier	Redfield
Baker	Cornett	Howard	Louden	Schimek
Beutler	Cudaback	Hudkins	McDonald	Schrock
Bourne	Cunningham	Janssen	Mines	Stuhr
Brashear	Engel	Jensen	Pahls	Stuthman
Brown	Erdman	Johnson	Pedersen, Dw.	Thompson
Burling	Fischer	Kopplin	Pederson, D.	Wehrbein
Byars	Flood	Kremer	Preister	
Chambers	Foley	Kruse	Price	
Combs	Friend	Landis	Raikes	

Voting in the negative, 0.

Present and not voting, 1:

Synowiecki

Excused and not voting, 1:

Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 875 with 43 ayes, 2 nays, 3 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 875. With Emergency.

A BILL FOR AN ACT relating to insurance; to amend sections 44-1602, 44-1988, 44-3522, 44-3523, 44-4902, 44-4903, 44-4904, 44-4906, 44-4907, and 44-7513, Reissue Revised Statutes of Nebraska, and sections 44-3,157 and 44-3521, Revised Statutes Supplement, 2005; to change provisions relating to mandated coverages and services, premium payments, premium reserves of title insurers, motor vehicle service contracts, the Managing General Agents Act, form filings, and bonds; to adopt the Nebraska Senior Protection in Annuity Transactions Act; to eliminate provisions relating to the Interstate Insurance Receivership Compact; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal section 44-6501, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Aguilar	Connealy	Heidemann	Langemeier	Redfield
Baker	Cornett	Howard	Louden	Schimek
Beutler	Cudaback	Hudkins	McDonald	Schrock
Bourne	Cunningham	Janssen	Mines	Stuhr
Brashear	Engel	Jensen	Pahls	Stuthman
Brown	Erdman	Johnson	Pedersen, Dw.	Synowiecki
Burling	Fischer	Kopplin	Pederson, D.	Thompson
Byars	Flood	Kremer	Preister	Wehrbein
Chambers	Foley	Kruse	Price	
Combs	Friend	Landis	Raikes	

Voting in the negative, 0.

Excused and not voting, 1:

Smith

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

GENERAL FILE

LEGISLATIVE BILL 994. Title read. Considered.

SENATOR JANSSEN PRESIDING

Senator Jensen renewed the Jensen et al. pending amendment, AM2157, found on page 766.

Senator Howard renewed her pending amendment, AM2458, found on page 874, to the Jensen et al. pending amendment.

SENATOR BOURNE PRESIDING

Senator Howard moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Senator Howard requested a roll call vote on her amendment.

Voting in the affirmative, 16:

Aguilar	Janssen	Louden	Price
Chambers	Kopplin	McDonald	Schrock
Connealy	Kruse	Pedersen, Dw.	Synowiecki
Howard	Landis	Preister	Thompson

Voting in the negative, 6:

Engel	Heidemann	Redfield
Erdman	Hudkins	Stuthman

Present and not voting, 25:

Baker	Burling	Cunningham	Jensen	Pahls
Beutler	Byars	Fischer	Johnson	Pederson, D.
Bourne	Combs	Flood	Kremer	Raikes
Brashear	Cornett	Foley	Langemeier	Schimek
Brown	Cudaback	Friend	Mines	Stuhr

Excused and not voting, 2:

Smith	Wehrbein

The Howard amendment lost with 16 ayes, 6 nays, 25 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

SENATOR CUDABACK PRESIDING

SPEAKER BRASHEAR PRESIDING

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 292, 293, and 294 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 292, 293, and 294.

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 196, 409, 757, 771, 787, 789, 792, 815, 823, 833, 860, 921, 941, 1008, 1008A, 1066, 1067, 1116, 1178, and 875.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1189A. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1189, Ninety-ninth Legislature, Second Session, 2006.

RESOLUTIONS

LEGISLATIVE RESOLUTION 298. Introduced by Heidemann, 1.

WHEREAS, three hundred redbud trees have been planted in Pawnee City in the last two years; and

WHEREAS, Pawnee City has made a commitment to have every lot in the community have at least one redbud tree; and

WHEREAS, Pawnee City Public Schools has provided every elementary student with a redbud tree to plant in the community; and

WHEREAS, the Pawnee City Chamber of Commerce has committed to plant fifty new redbud trees every year during this decade; and

WHEREAS, the Pawnee City Council has proclaimed Pawnee City the Redbud Capital of Nebraska; and

WHEREAS, Pawnee City has a long history of supporting tree planting for the beautification of the community; and

WHEREAS, the redbud tree with its spectacular spring and fall coloration is a beautiful and hardy tree which supplements the historical beauty of the Pawnee City community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Pawnee City be designated the Redbud Capital of Nebraska.
2. That a copy of this resolution be presented to the community of Pawnee City.

Laid over.

LEGISLATIVE RESOLUTION 299. Introduced by Engel, 17.

WHEREAS, the Newcastle Raiders won the Class D-2 championship at the 2006 Nebraska Girls' State Basketball Championships for the first time since 1994; and

WHEREAS, the Raiders defeated Shickley 46-26, setting a Class D-2 record for fewest points allowed in a championship game; and

WHEREAS, top-ranked Newcastle finished off a 26-2 season with the win, setting a school record for victories in a season; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Newcastle Raiders girls basketball team on their 2006 Class D-2 championship.
2. That a copy of this resolution be sent to the Newcastle Raiders and their coach, Robin Mohr.

Laid over.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 1226. Placed on General File as amended.
(Standing Committee amendment, AM2578, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Ed Schrock, Chairperson

Revenue

LEGISLATIVE BILL 968. Placed on General File as amended.
(Standing Committee amendment, AM2582, is printed separately and available in the Bill Room, Room 1104.)

(Signed) David Landis, Chairperson

AMENDMENTS - Print in Journal

Senator Combs filed the following amendment to LB 454:
AM2601
(Amendments to Standing Committee amendments, AM0810)

1. On page 7, lines 17 and 18, strike "Public Safety Cash Fund" and insert "Nebraska State Patrol Cash Fund".

Senator Combs filed the following amendment to LB 454A:
AM2471

(Amendments to AM2169)

1. On page 1, lines 4 and 5, strike "Public Safety" and insert "Nebraska State Patrol".

Senator Schrock filed the following amendment to LB 933:
(Amendment, AM2573, is printed separately and available in the Bill Room, Room 1104.)

Senator Synowiecki filed the following amendment to LB 1249:
AM2508

(Amendments to AM2216)

1. On page 2, line 11, after the period insert "Upon request, the jurisdictional utility shall provide to the city any financial records related to the disposal, sale, or lease.".

Senator Synowiecki filed the following amendment to LB 1249:
AM2510

1. Insert the following new section:

Sec. 19. All meetings of a board associated with a jurisdictional utility that makes policy decisions affecting customers of the jurisdictional utility that receive natural gas service within the corporate boundaries of a municipality shall be open to the public. Citizens of the municipality may attend and speak at all such meetings.

2. On page 2, line 20, strike "18" and insert "19".

3. Renumber the remaining sections accordingly.

Senator Synowiecki filed the following amendment to LB 1249:
AM2511

1. On page 4, line 18, after the period insert "In the event that any natural gas franchise in an area affected by this section expires or is revoked, the exclusive service area of the jurisdictional utility holding such franchise shall be immediately revoked.".

Senator Synowiecki filed the following amendment to LB 1249:
AM2512

(Amendments to Standing Committee amendments, AM2127)

1. On page 1, line 1, strike beginning with "lines" through "in".

Senator Synowiecki filed the following amendment to LB 1249:
AM2513

(Amendments to Standing Committee amendments, AM2127)

1. On page 1, strike beginning with the semicolon in line 11 through the last quotation mark in line 12.

Senator Synowiecki filed the following amendment to LB 1249:
AM2514

1. Insert the following new section:

Sec. 11. In the event that a metropolitan utilities district or a natural gas system owned by a city has lower rates than an adjoining jurisdictional utility, a customer of the jurisdictional utility shall have the right to become a customer of the metropolitan utilities district or city if the district or city is able to serve such customer.

2. Correct internal references and renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Senator Mines asked unanimous consent to add his name as cointroducer to LBs 562 and 856. No objections. So ordered.

Senator Price asked unanimous consent to add her name as cointroducer to LBs 815, 833, 860, 1008, and 1178. No objections. So ordered.

VISITORS

Visitors to the Chamber were 42 fourth-grade students and teachers from Lincoln Christian School, Lincoln; students from Pleasanton, Elm Creek, Sumner-Eddyville-Miller, Kearney High, and Kearney Catholic; 27 fourth-grade students and teachers from Southwest Elementary School, Indianola; and 51 fourth-grade students and teachers from Cathedral of the Risen Christ, Lincoln.

RECESS

At 11:58 a.m., on a motion by Senator Connealy, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senator Smith who was excused; and Senators Cornett, Engel, Heidemann, Landis, McDonald, Price, and Thompson who were excused until they arrive.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 7, 2006, at 1:00 p.m. were the following: LBs 196, 409, 757e, 771, 787e, 789, 792e, 815, 823, 833, 860, 921, 941, 1008, 1008A, 1066, 1067, 1116e, 1178, and 875e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

AMENDMENT - Print in Journal

Senators Landis, Connealy, Cornett, Janssen, Preister, and Raikes filed the following amendment to LB 968:
AM2602

(Amendments to Standing Committee amendments, AM2582)

1. Insert the following new sections:

Section 1. Section 66-1345.04, Revised Statutes Supplement, 2005, is amended to read:

66-1345.04 (1) The State Treasurer shall transfer from the General Fund to the Ethanol Production Incentive Cash Fund, on or before the end of each of fiscal years 1995-96 and 1996-97, $8,000,000 per fiscal year.

(2) It is the intent of the Legislature that the following General Fund amounts be appropriated to the Ethanol Production Incentive Cash Fund in each of the following years:

(a) For each of fiscal years 1997-98 and 1998-99, $7,000,000 per fiscal year;

(b) For fiscal year 1999-2000, $6,000,000;

(c) For fiscal year 2000-01, $5,000,000;

(d) For fiscal year 2001-02 and for each of fiscal years 2003-04 through 2006-07, $1,500,000;

(e) For each of fiscal years 2005-06 and 2006-07, $2,500,000 in addition to the amount in subdivision (2)(d) of this section;

(f) For fiscal year 2007-08, $5,500,000; ~~and~~

(g) For each of fiscal years 2008-09 through 2011-12, $2,500,000; and ~~.~~

(h) For each of fiscal years 2005-06 and 2006-07, $5,000,000 in addition to the other amounts in this section.

Sec. 19. Since an emergency exists, this act takes effect when passed and approved according to law.

2. On page 4, line 21; and page 5, line 25, strike "October" and insert "July".

3. On page 36, line 23, strike "October" and insert "July".

4. On page 37, line 2, after "sections" insert "66-1345.04," and after "77-3442" insert a comma.

5. Renumber the remaining sections and correct internal references accordingly.

GENERAL FILE

LEGISLATIVE BILL 994. Senator Jensen renewed the Jensen et al. pending amendment, AM2157, found on page 766 and in this day's Journal.

Senators Jensen and Chambers offered the following amendment to the Jensen et al. pending amendment:
FA536

Amendment to AM2157

1. On page 5, reinstate the stricken matter in lines 12 and 13.

The Jensen-Chambers amendment was adopted with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

The Jensen et al. amendment, as amended, was adopted with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

Senator Jensen renewed his pending amendment, AM2442, printed separately and referred to on page 782.

Senator Synowiecki offered the following amendment to the Jensen pending amendment:
AM2593

(Amendments to AM2442)

1. On page 12, line 10, after the period insert "Any limitation on the prescribing authority of the advanced practice registered nurse for controlled substances listed in Schedule II of section 28-405 shall be recorded in the integrated practice agreement established pursuant to section 71-1716.03.".

2. On page 13, line 1, after the period insert "Any limitation on the prescribing authority of the nurse practitioner for controlled substances listed in Schedule II of section 28-405 shall be recorded in the integrated practice agreement established pursuant to section 71-1716.03.".

The Synowiecki amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

The Jensen amendment, as amended, was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Senator Byars renewed his pending amendment, AM2532, found on page 842.

The Byars amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 994A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1175. Title read. Considered.

The Standing Committee amendment, AM2193, found on page 695, was considered.

Senator Friend renewed his pending amendment, AM2517, found on page 826, to the Standing Committee amendment.

The Friend amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator Friend offered the following amendment to the Standing Committee amendment:
AM2608

(Amendments to Standing Committee amendments, AM2193)

1. Strike section 3.
2. On page 6, line 14, strike "4" and insert "3".
3. On page 9, line 10, strike "18-2805,".
4. Renumber the remaining sections accordingly.

The Friend amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 562. Title read. Considered.

Senator Janssen renewed his pending amendment, AM2380, found on page 752.

The Janssen amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Senator Hudkins renewed her pending amendment, AM2379, found on page 740.

The Hudkins amendment was adopted with 28 ayes, 0 nays, 17 present and

not voting, and 4 excused and not voting.

Senator Mines renewed his pending amendment, AM2447, found on page 840.

The Mines amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 1208. Placed on General File as amended.
Standing Committee amendment to LB 1208:
AM2565

1. Insert the following new sections:

Sec. 2. Section 79-704, Reissue Revised Statutes of Nebraska, is amended to read:

79-704 ~~Any~~ (1) Except as otherwise provided in subsection (2) of this section, any school board ~~or board of education~~ of a school district or any governing authority of a private school may establish alternating biennial secondary course offerings, not to exceed one course in each of four subject fields as designated by such board or governing authority, as part of the total instructional units provided each school term for the purpose of meeting minimum annual criteria for accreditation under sections 79-318 and 79-703. Reporting of biennial course offerings which are to receive annual instructional unit credit in meeting accreditation standards shall be on forms prescribed by the State Department of Education.

(2) A school board of a school district shall not establish an alternating biennial secondary course offering in any subject area for which the State Board of Education has adopted content standards pursuant to section 79-760.01.

Sec. 24. Section 79-1319, Reissue Revised Statutes of Nebraska, is amended to read:

79-1319 All telecommunications facilities operated or supervised by the Nebraska Educational Telecommunications Commission shall be operated at all times on a noncommercial basis, except that revenue may be generated from other nonprofit or commercial sources ~~by the lease of~~ through contractual arrangements involving excess transponder capacity, excess transmission spectrum, or transmission and production facilities. ~~All lease arrangements authorized by this section shall be made for the purpose of paying a portion of the costs associated with satellite capacity replacement and digital conversion.~~ All ~~lease~~ contractual arrangements shall be based on sound business principles that are

made in the best interest of the State of Nebraska. The commission may also enter into partnerships with public or private entities for the purpose of jointly building and operating tower and other transmission structures.

Operational and administrative service pertinent to the production and utilization of inclass telecommunications instruction shall be made available to all schools and colleges of Nebraska on the basis of the actual cost of production exclusive of general overhead expense.

2. On page 29, line 23, strike "all" and show as stricken.

3. On page 31, line 22, strike "other school districts" and insert "educational entities as defined in section 18 of this act"; and in line 24 strike "other school districts" and insert "educational entities".

4. On page 38, line 11, strike "other school districts" and insert "educational entities as defined in section 18 of this act"; and in lines 12 and 13 strike "other school districts" and insert "educational entities".

5. On page 43, strike beginning with "school" in line 15 through "Nebraska" in line 16 and insert "educational entities as defined in section 18 of this act".

6. On page 49, line 8, strike "public and private" and show as stricken; and in line 9 after "entities" insert "as defined in section 18 of this act".

7. On page 55, lines 5 and 6, strike "of twenty thousand dollars"; in line 6 after "2013-14" insert "of twenty thousand dollars multiplied by the number of high school buildings"; and in line 7 after "and" insert "twenty thousand dollars for each".

8. On page 66, lines 12, 16, 19, 21, and 24; and page 67, lines 5, 9, and 15, reinstate the stricken matter.

9. On page 67, line 21, after "(12)" insert "Apply in aggregate for reimbursements from the federal Universal Service Fund pursuant to section 254 of the Telecommunications Act of 1996, 47 U.S.C. 254, as such section existed on January 1, 2006, on behalf of school districts requesting to be included in such aggregated application;

(13)"; in line 23 strike "(13)" and insert "(14)"; and in line 25 strike "cooperation" and insert "partnership".

10. Amend the repealer, renumber the remaining sections, and correct internal references accordingly.

(Signed) Ron Raikes, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 962A. Introduced by Price, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 962, Ninety-ninth Legislature, Second Session, 2006.

AMENDMENTS - Print in Journal

Senator Byars filed the following amendment to LB 994:
AM2537

1. Insert the following new sections:

Sec. 38. Sections 38 to 41 of this act shall be known and may be cited as the Rural Behavioral Health Training and Placement Program Act.

Sec. 39. The Legislature hereby finds and declares that:

(1) Eighty-eight of Nebraska's ninety-three counties are classified as mental and behavioral Health Profession Shortage Areas by the federal Health Resources and Services Administration and the Nebraska Department of Health and Human Services;

(2) The Department of Health and Human Services Regulation and Licensure reports that seventy-four percent of the state's psychiatrists, psychologists, and licensed mental health practitioners live and practice in the urban areas of Omaha and Lincoln, which leaves the remaining seventy-two thousand square miles of Nebraska to be covered by approximately one-fourth of the professionals licensed to practice behavioral health in Nebraska;

(3) Thirty-eight Nebraska counties have one or no licensed behavioral health professionals; and

(4) Cuts to federal funding will result in the elimination of over five thousand five hundred behavioral health patient visits in rural Nebraska.

Sec. 40. The Rural Behavioral Health Training and Placement Program is created and will be administered by the Monroe Meyer Institute at the University of Nebraska Medical Center. The program will address behavioral health professional shortages in rural areas by:

(1) Placing behavioral health professionals in a minimum of twenty clinics in underserved rural and urban areas of the state;

(2) Offering service learning opportunities for behavioral health professionals to provide integrated mental health services in rural areas;

(3) Educating physicians to integrate behavioral health into primary care practice;

(4) Providing outreach clinical training opportunities in rural areas for interns, fellows, and graduate students from public and private universities and colleges in Nebraska that offer behavioral health graduate education; and

(5) Placing and retaining program graduates in primary care practices for the purpose of providing behavioral health

patient visits.

Sec. 41. It is the intent of the Legislature to appropriate two hundred thousand dollars annually to accomplish the objectives of the Rural Behavioral Health Training and Placement Program Act. Funding will support:

(1) Faculty positions and their clinical training activities;

(2) Internship stipends for behavioral health interns and postdoctoral fellows; and

(3) Training and service provision expenses, including, but not limited to, travel to rural clinic sites, equipment, clinic space, patient record management, scheduling, and telehealth supervision.

2. Amend the operative date section so that the sections added by this amendment become operative three calendar months after adjournment of this legislative session.

3. Renumber the remaining sections accordingly.

Senator Chambers filed the following amendment to LB 994:
FA538

Amendment to AM2537

P. 1, line 18 strike "professionals" and insert "professional"
P. 1, line 19 strike "Cuts to" and insert "Reductions in".
P. 1, line 23; p. 2, lines 2 and 22 strike "will" and insert "shall".
P. 2, line 23 strike "their" and insert "related".

SELECT FILE

LEGISLATIVE BILL 975. The third Schrock pending amendment, FA485, found on page 750 and considered on page 760, was renewed.

Senator Schrock withdrew his pending amendment, AM2423, found on page 764.

Senator Schrock offered the following amendment to the third Schrock pending amendment:
AM2580

(Amendments to FA485)

1. Strike section 17 and insert the following section:

Sec. 17. (1) A county planning commission or county board shall grant a conditional use permit or special exception to an existing animal feeding operation seeking to construct or modify a livestock waste control facility if the purpose is to comply with federal or state regulations pertaining to livestock waste management, the operation has complied with inspection requirements pursuant to section 54-2423, and the construction or modification of the livestock waste control facility will not increase the animal capacity of such operation. The number of conditional use permits or special exceptions granted to such an operation under

this subsection is unlimited.

(2) A county planning commission or county board shall grant a conditional use permit or special exception to an existing beef cattle or dairy cattle animal feeding operation that has an animal capacity of five thousand or less beef cattle or three thousand five hundred or less dairy cattle that is seeking to construct or modify a livestock waste control facility if the purpose is to comply with federal or state regulations pertaining to livestock waste management, the operation has complied with inspection requirements pursuant to section 54-2423, and construction or modification of the livestock waste control facility would allow the animal capacity of the operation to increase not more than:

(a) Five hundred beef cattle if the operation has an existing animal capacity of three thousand beef cattle or less;

(b) Three hundred beef cattle if the operation has an existing animal capacity of more than three thousand beef cattle but no more than five thousand beef cattle;

(c) Three hundred fifty dairy cattle if the operation has an existing animal capacity of two thousand dairy cattle or less; or

(d) Two hundred ten dairy cattle if the operation has an existing animal capacity of more than two thousand dairy cattle but no more than three thousand five hundred dairy cattle.

Only one conditional use permit or special exception per operation is allowed under this subsection.

The Schrock amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Senator Chambers offered the following amendment to the third Schrock pending amendment:
FA537

Amendment to AM2580

P. 1, lines 16 and 17; P. 2, lines 4 and 9 strike "less" and insert "fewer".

The Chambers amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

The third Schrock amendment, as amended, was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

The fourth Schrock amendment is as follows:
FA486

2. On page 1, line 5, strike "section 16" and insert "sections 16, 17, and 18".

3. On page 13, line 9, strike "(1)"; in line 13 strike "(a)" and insert "(1)"; and in line 17 strike "(b)" and insert "(2)".

4. On page 14, strike lines 8 through 17.

5. On page 15, lines 20 and 22, after "chickens" insert "or ducks".

6. On page 16, line 3, after "54-2435" insert "and section 16 of this act".

7. Amend the operative date and repealer sections so that the sections added by this amendment become operative on their effective date with the emergency clause.

8. Renumber the remaining sections accordingly.

The fourth Schrock amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Senator Schrock renewed his pending amendment, AM2420, found on page 843.

The Schrock amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Senator Schrock renewed his pending amendment, AM2424, found on page 843.

The Schrock amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 248. E & R amendment, AM7153, found on page 545, was adopted.

Senator Baker reoffered his amendment, AM1820, found on page 392 and considered on page 540.

Senator Baker asked unanimous consent to withdraw his pending amendment, AM1820, found on page 392, and replace it with his substitute amendment, AM2527. No objections. So ordered.

AM2527

(Amendments to E & R amendments, AM7153)

1. Insert the following new sections:

Sec. 2. Section 60-3,186, Revised Statutes Supplement, 2005, is amended to read:

60-3,186 (1) The county treasurer or designated county official shall annually determine the motor vehicle tax on each motor vehicle registered in the county based on the age of the motor vehicle pursuant to section 60-3,187 and cause a notice of the amount of the tax to be mailed to the registrant at the address shown upon his or her registration certificate. The notice shall be printed on a prenumbered statement form prescribed by the department and shall be mailed on or before the first day of the last month of the registration period.

(2)(a) The motor vehicle tax, motor vehicle fee,

registration fee, sales tax, and any other applicable taxes and fees shall be paid to the county treasurer or designated county official prior to the registration of the motor vehicle for the following registration period. If the motor vehicle being registered has been transferred as a gift or for a nominal amount, any sales tax owed by the transferor on the purchase of the motor vehicle shall have been paid or be paid to the county treasurer or designated county official prior to the registration of the motor vehicle for the following registration period.

(b) After retaining one percent of the motor vehicle tax proceeds collected for costs, the remaining motor vehicle tax proceeds shall be allocated to each county, local school system, school district, city, and village in the tax district in which the motor vehicle has situs.

(c)(i) Twenty-two percent of the remaining motor vehicle tax proceeds shall be allocated to the county, (ii) sixty percent shall be allocated to the local school system or school district, and (iii) eighteen percent shall be allocated to the city or village, except that (A) if the tax district is not in a city or village, forty percent shall be allocated to the county, and (B) in counties containing a city of the metropolitan class, eighteen percent shall be allocated to the county and twenty-two percent shall be allocated to the city or village.

(d) The amount allocated to a local school system shall be distributed to school districts in the same manner as property taxes.

(3) Proceeds from the motor vehicle tax shall be treated as property tax revenue for purposes of expenditure limitations, matching of state or federal funds, and other purposes.

Sec. 7. Original section 60-3,186, Revised Statutes Supplement, 2005, is repealed.

2. Correct the operative date section so that the sections added by this amendment become operative on their effective date.

The Baker amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Senator Bourne renewed his pending amendment, AM2110, found on page 643.

Senator Chambers offered the following motion:
Bracket LB 248 until April 7, 2006.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 647A. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 647, Ninety-ninth Legislature, Second Session, 2006.

AMENDMENTS - Print in Journal

Senator Baker filed the following amendment to LB 248:
AM2605

(Amendments to E & R amendments, AM7153)

1. Insert the following new sections:

Section 1. Section 13-518, Revised Statutes Supplement, 2005, is amended to read:

13-518 For purposes of sections 13-518 to 13-522:

(1) Allowable growth means (a) for governmental units other than community colleges, the percentage increase in taxable valuation in excess of the base limitation established under section 77-3446, if any, due to improvements to real property as a result of new construction, additions to existing buildings, any improvements to real property which increase the value of such property, and any increase in valuation due to annexation and any personal property valuation over the prior year and (b) for community colleges, (i) for fiscal years prior to fiscal year 2003-04 and after fiscal year 2004-05, the percentage increase in excess of the base limitation, if any, in full-time equivalent students from the second year to the first year preceding the year for which the budget is being determined, and (ii) for fiscal year 2003-04 and fiscal year 2004-05, the percentage increase in full-time equivalent students from the second year to the first year preceding the year for which the budget is being determined;

(2) Capital improvements means (a) acquisition of real property or (b) acquisition, construction, or extension of any improvements on real property;

(3) Governing body has the same meaning as in section 13-503;

(4) Governmental unit means every political subdivision which has authority to levy a property tax or authority to request levy authority under section 77-3443 except sanitary and improvement districts which have been in existence for five years or less and school districts;

(5) Qualified sinking fund means a fund or funds maintained separately from the general fund to pay for acquisition or replacement of tangible personal property with a useful life of five years or more which is to be undertaken in the future but

is to be paid for in part or in total in advance using periodic payments into the fund. The term includes sinking funds under subdivision (13) of section 35-508 for firefighting and rescue equipment or apparatus;

(6) Restricted funds means (a) property tax, excluding any amounts refunded to taxpayers, (b) payments in lieu of property taxes, (c) local option sales taxes, (d) motor vehicle taxes, (e) state aid, (f) transfers of surpluses from any user fee, permit fee, or regulatory fee if the fee surplus is transferred to fund a service or function not directly related to the fee and the costs of the activity funded from the fee, (g) any funds excluded from restricted funds for the prior year because they were budgeted for capital improvements but which were not spent and are not expected to be spent for capital improvements, (h) the tax provided in sections 77-27,223 to 77-27,227 beginning in the second fiscal year in which the county will receive a full year of receipts, and (i) any excess tax collections returned to the county under section 77-1776; and

(7) State aid means:

(a) For all governmental units, state aid paid pursuant to ~~sections 60-3,202 and~~ section 77-3523;

(b) For municipalities, state aid to municipalities paid pursuant to sections 18-2605, 39-2501 to 39-2520, 60-3,190, 77-27,136, and 77-27,139.04 and insurance premium tax paid to municipalities;

(c) For counties, state aid to counties paid pursuant to sections 39-2501 to 39-2520, 47-119.01, 60-3,184 to 60-3,190, 77-27,136, and 77-3618, insurance premium tax paid to counties, and reimbursements to counties from funds appropriated pursuant to section 29-3933;

(d) For community colleges, state aid to community colleges paid under sections 85-1536 to 85-1537;

(e) For natural resources districts, state aid to natural resources districts paid pursuant to section 77-27,136;

(f) For educational service units, state aid appropriated under section 79-1241; and

(g) For local public health departments as defined in section 71-1626, state aid as distributed under section 71-1628.08.

Sec. 2. Section 39-2401, Reissue Revised Statutes of Nebraska, is amended to read:

39-2401 There is hereby established the Highway Allocation Fund. There shall be paid into such fund (1) the amounts disbursed from time to time from the Highway Trust Fund as provided by law, (2) ~~together with~~ such sums as may be appropriated thereto from the General Fund, and (3) a portion of the registration fees under section 60-3,202. Any money in the Highway Allocation Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 6. Section 60-3,202, Revised Statutes Supplement, 2005, is amended to read:

60-3,202 ~~(1)~~ As registration fees are received by the Division of Motor Carrier Services of the department pursuant to section 60-3,198, the division shall remit the fees to the State Treasurer, less a collection fee of three percent of thirty percent of the registration fees collected. The collection fee shall be credited to the ~~Department of Property Assessment and Taxation~~ Motor Carrier Division Cash Fund. The State Treasurer shall credit the remainder of the thirty percent of the fees collected to the ~~Motor Vehicle Tax~~ Highway Allocation Fund and the remaining seventy percent of the fees collected to the Highway Trust Fund. Any money in the Motor Vehicle Tax Fund on the operative date of this section shall be transferred to the Highway Allocation Fund.

~~(2) On or before the last day of each quarter of the calendar year, the State Treasurer shall distribute all funds in the Motor Vehicle Tax Fund to the county treasurer or designated county official of each county in the same proportion as the number of original apportionable vehicle registrations in each county bears to the total of all original registrations within the state in the registration year immediately preceding.~~

~~(3) Upon receipt of motor vehicle tax funds from the State Treasurer, the county treasurer or designated county official shall distribute such funds to taxing agencies within the county in the same proportion that the levy of each such taxing agency bears to the total of such levies of all taxing agencies in the county.~~

~~(4) In the event any taxing district has been annexed, merged, dissolved, or in any way absorbed into another taxing district, any apportionment of motor vehicle tax funds to which such taxing district would have been entitled shall be apportioned to the successor taxing district which has assumed the functions of the annexed, merged, dissolved, or absorbed taxing district.~~

~~(5) On or before March 1 of each year, the department shall furnish to the State Treasurer a tabulation showing the total number of original apportionable vehicle registrations in each county for the immediately preceding calendar year, which shall be the basis for computing the distribution of motor vehicle tax funds as provided in subsection (2) of this section.~~

~~(6) The Motor Vehicle Tax Fund is created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.~~

Sec. 7. Section 77-1342, Revised Statutes Supplement, 2005, is amended to read:

77-1342 There is hereby created a fund to be known as the Department of Property Assessment and Taxation Cash Fund to which shall be credited all money received by the Department of Property Assessment and Taxation for services performed for county

and multicounty assessment districts, for charges for publications, manuals, and lists, as an assessor's examination fee authorized by section 77-421, and under the provisions of sections ~~60-3,202,~~ 77-684~~,~~ and 77-1250. The fund shall be used to carry out any duties and responsibilities of the department. The county or multicounty assessment district shall be billed by the department for services rendered. Reimbursements to the department shall be credited to the fund, and expenditures therefrom shall be made only when such funds are available. The department shall only bill for the actual amount expended in performing the service.

The fund shall not, at the close of each year, be lapsed to the General Fund. Any money in the Department of Property Assessment and Taxation Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 8. Section 79-1018.01, Reissue Revised Statutes of Nebraska, is amended to read:

79-1018.01 Local system formula resources include other actual receipts available for the funding of general fund operating expenditures as determined by the department for the second school fiscal year immediately preceding the school fiscal year in which aid is to be paid, except that receipts from the Community Improvements Cash Fund, receipts acquired pursuant to the Low-Level Radioactive Waste Disposal Act, and, beginning with the calculation of state aid to be distributed in school fiscal year 2004-05, tuition receipts from converted contracts shall not be included. Other actual receipts include:

(1) Public power district sales tax revenue;

(2) Fines and license fees;

(3) Tuition receipts from individuals, other districts, or any other source except those derived from adult education and except, beginning with the calculation of state aid to be distributed in school fiscal year 2004-05, tuition receipts from converted contracts;

(4) Transportation receipts;

(5) Interest on investments;

(6) Other miscellaneous noncategorical local receipts, not including receipts from private foundations, individuals, associations, or charitable organizations;

(7) Special education receipts, excluding grant funds received pursuant to section 9-812;

(8) Special education receipts and non-special education receipts from the state for wards of the court and wards of the state;

(9) All receipts from the temporary school fund.

Beginning with the calculation of aid for school fiscal year 2002-03 and each school fiscal year thereafter, receipts from the temporary school fund shall only include receipts pursuant to section 79-1035 and the receipt of funds pursuant to section

79-1036 for property leased for a public purpose as set forth in subdivision (1)(a) of section 77-202;

(10) Motor vehicle tax receipts received on or after January 1, 1998;

(11) Pro rata motor vehicle license fee receipts received prior to September 1, 2005;

(12) Other miscellaneous state receipts excluding revenue from the textbook loan program authorized by section 79-734;

(13) Impact aid entitlements for the school fiscal year which have actually been received by the district to the extent allowed by federal law;

(14) All other noncategorical federal receipts;

(15) All receipts pursuant to the enrollment option program under sections 79-232 to 79-246;

(16) Receipts under the federal Medicare Catastrophic Coverage Act of 1988, as such act existed on May 8, 2001, as authorized pursuant to sections 43-2510 and 43-2511 but only to the extent of the amount the local system would have otherwise received pursuant to the Special Education Act; and

(17) Receipts for accelerated or differentiated curriculum programs pursuant to sections 79-1106 to 79-1108.03.

Sec. 11. Original sections 39-2401 and 79-1018.01, Reissue Revised Statutes of Nebraska, and sections 13-518, 60-3,202, and 77-1342, Revised Statutes Supplement, 2005, are repealed.

2. On page 7, line 23, strike "This act becomes" and insert "Sections 1, 2, 6, 7, 8, and 11 of this act become operative on September 1, 2007. The other sections of this act become".

3. Renumber the remaining sections accordingly.

Senator Beutler filed the following amendment to LB 994:
AM2621

(Amendments to AM2537)

1. On page 2, strike beginning with "Placing" in line 4 through "(2)" in line 7; in line 10 strike "(3)" and insert "(2)"; in line 11 after the semicolon insert "and"; in line 12 strike "(4)" and insert "(3)"; strike beginning with the semicolon in line 15 through line 18; strike beginning with "It" in line 19 through the period in line 22; and in line 23 strike "positions and their".

Senator Hudkins filed the following amendment to LB 1115:
AM2597

(Amendments to Standing Committee amendments, AM2038)

1. Insert the following new section:

Sec. 41. Section 84-915.01, Reissue Revised Statutes of Nebraska, is amended to read:

84-915.01 (1) An agency shall maintain an official record of each contested case under the Administrative Procedure Act for at least four years following the date of the final order.

(2) The agency record shall consist only of:
(a) Notices of all proceedings;
(b) Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the agency pertaining to the contested case;
(c) The record of the hearing before the agency, including all exhibits and evidence introduced during such hearing, a statement of matters officially noticed by the agency during the proceeding, and all proffers of proof and objections and rulings thereon; and
(d) The final order.
(3) Except as otherwise provided by law, the physical custody of the agency record shall be maintained by the agency. The agency may permit the parties to inspect the agency record and obtain copies of the agency record.
~~(3)~~ (4) Except ~~to the extent that the act or another statute provides~~ as otherwise provided by law, the agency record shall constitute the exclusive basis for agency action in contested cases under the act and for judicial review thereof.
2. Renumber the remaining sections accordingly and amend the operative date and repealer sections so that the section added by this amendment becomes operative three calendar months after adjournment of this legislative session.

Senator Mines filed the following amendment to LB 248:
AM2622

(Amendments to E & R amendments, AM7153)

1. On page 1, line 20; and page 2, line 16, before the period insert "or to sales and use taxes adopted prior to the operative date of this act if the provision adopted by a vote of registered voters required the use of sales and use tax revenue for a specified purpose. Any sales and use tax adopted or renewed on or after the operative date of this act shall be subject to the provisions of this section".

Senator Brashear filed the following amendment to LB 1115:
AM2449

(Amendments to Standing Committee amendments, AM2038)

1. On page 32, strike lines 12 through 19 and insert the following new subdivision:
"(ii) The agency shall affirm, modify, or reverse its findings and decision in the case by reason of the additional proceedings and shall file the decision following remand with the reviewing court. The agency shall serve a copy of the decision following remand upon all parties to the district court proceedings. The agency decision following remand shall become final unless a petition for further review is filed with the reviewing court within thirty days after the decision following

remand being filed with the district court. The party filing the petition for further review shall serve a copy of the petition for further review upon all parties to the district court proceeding in accordance with section 25-534 within thirty days after the petition for further review is filed. Within thirty days after service of the petition for further review or within such further time as the court for good cause shown may allow, the agency shall prepare and transmit to the court a certified copy of the official record of the additional proceedings had before the agency following remand.".

Senator Beutler filed the following amendment to LB 248:
FA539

Amendments to AM7153

On page 1, line 16, restore the stricken language.

UNANIMOUS CONSENT - Add Cointroducer

Senator D. Pederson asked unanimous consent to add his name as cointroducer to LB 1131. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Beutler withdrew his name as cointroducer to LB 1131.

VISITORS

Visitors to the Chamber were Carol Sell and Isabelle Nelson from Seward.

The Doctor of the Day was Dr. Lisa Rauner from Lincoln.

ADJOURNMENT

At 3:59 p.m., on a motion by Speaker Brashear, the Legislature adjourned until 9:00 a.m., Wednesday, March 8, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-NINTH DAY - MARCH 8, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 8, 2006

PRAYER

The prayer was offered by Pastor Ruth Henderson, Brownville and Nemaha United Methodist Churches, Brock.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Cornett, Jensen, Raikes, and Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-eighth day was approved.

MOTIONS - Approve Appointments

Senator Baker moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 846:

Board of Public Roads Classifications and Standards
- Gene Acklie
- Barbara Keegan
- Dean Lux
- Arthur Yonkey

Senator Chambers requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:
Senator Baker moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 846:

Board of Public Roads Classifications and Standards
Gene Acklie

Voting in the affirmative, 32:

Aguilar	Chambers	Friend	Kruse	Redfield
Baker	Combs	Heidemann	Louden	Schrock
Beutler	Connealy	Howard	McDonald	Stuhr
Bourne	Cudaback	Hudkins	Mines	Wehrbein
Brown	Cunningham	Johnson	Pahls	
Burling	Erdman	Kopplin	Preister	
Byars	Flood	Kremer	Price	

Voting in the negative, 0.

Present and not voting, 13:

Brashear	Foley	Langemeier	Smith	Thompson
Engel	Janssen	Pedersen, Dw.	Stuthman	
Fischer	Landis	Pederson, D.	Synowiecki	

Excused and not voting, 4:

Cornett	Jensen	Raikes	Schimek

The appointment was confirmed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

The second division is as follows:
Senator Baker moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 846:
Board of Public Roads Classifications and Standards
Barbara Keegan

Voting in the affirmative, 32:

Aguilar	Cudaback	Hudkins	McDonald	Stuhr
Baker	Erdman	Janssen	Mines	Stuthman
Burling	Fischer	Johnson	Pedersen, Dw.	Thompson
Byars	Flood	Kopplin	Pederson, D.	Wehrbein
Chambers	Friend	Kremer	Preister	
Combs	Heidemann	Langemeier	Price	
Connealy	Howard	Louden	Redfield	

Voting in the negative, 0.

Present and not voting, 14:

Beutler	Brown	Foley	Pahls	Smith
Bourne	Cunningham	Kruse	Raikes	Synowiecki
Brashear	Engel	Landis	Schrock	

Excused and not voting, 3:

Cornett	Jensen	Schimek

The appointment was confirmed with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

The third division is as follows:
Senator Baker moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 846:
Board of Public Roads Classifications and Standards
Dean Lux

Voting in the affirmative, 30:

Aguilar	Chambers	Friend	McDonald	Redfield
Baker	Combs	Heidemann	Mines	Schrock
Bourne	Cudaback	Howard	Pahls	Stuhr
Brashear	Cunningham	Hudkins	Pederson, D.	Stuthman
Brown	Erdman	Janssen	Preister	Synowiecki
Burling	Fischer	Kremer	Price	Wehrbein

Voting in the negative, 0.

Present and not voting, 16:

Beutler	Flood	Kruse	Pedersen, Dw.
Byars	Foley	Landis	Raikes
Connealy	Johnson	Langemeier	Smith
Engel	Kopplin	Louden	Thompson

Excused and not voting, 3:

Cornett	Jensen	Schimek

The appointment was confirmed with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

The fourth division is as follows:
Senator Baker moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 846:
Board of Public Roads Classifications and Standards
Arthur Yonkey

Voting in the affirmative, 25:

Baker	Connealy	Friend	Kopplin	Schimek
Brashear	Engel	Heidemann	Landis	Stuhr
Byars	Erdman	Howard	McDonald	Stuthman
Chambers	Fischer	Hudkins	Pahls	Thompson
Combs	Flood	Johnson	Pedersen, Dw.	Wehrbein

Voting in the negative, 0.

Present and not voting, 21:

Aguilar	Cudaback	Kruse	Price	Synowiecki
Beutler	Cunningham	Langemeier	Raikes	
Bourne	Foley	Louden	Redfield	
Brown	Janssen	Pederson, D.	Schrock	
Burling	Kremer	Preister	Smith	

Excused and not voting, 3:

Cornett	Jensen	Mines

The appointment was confirmed with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

PRESIDENT SHEEHY PRESIDING

Senator Baker moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 847:

Nebraska Railway Council
Jamie Karl
Robert Kelly
Michael Shannon

Voting in the affirmative, 33:

Aguilar	Connealy	Heidemann	Louden	Schimek
Baker	Cudaback	Howard	McDonald	Smith
Bourne	Engel	Hudkins	Mines	Stuhr
Brashear	Erdman	Janssen	Pahls	Stuthman
Burling	Fischer	Johnson	Pedersen, Dw.	Thompson
Chambers	Flood	Kopplin	Preister	
Combs	Friend	Kruse	Price	

Voting in the negative, 0.

Present and not voting, 14:

Beutler	Cunningham	Landis	Raikes	Synowiecki
Brown	Foley	Langemeier	Redfield	Wehrbein
Byars	Kremer	Pederson, D.	Schrock	

Excused and not voting, 2:

Cornett	Jensen

The appointments were confirmed with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Senator Baker moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 846:

Nebraska Information Technology Commission
Doug Kristensen
Janie C. Park

Voting in the affirmative, 37:

Aguilar	Combs	Howard	McDonald	Smith
Baker	Connealy	Hudkins	Mines	Stuhr
Bourne	Cudaback	Janssen	Pahls	Stuthman
Brashear	Engel	Johnson	Pedersen, Dw.	Synowiecki
Brown	Erdman	Kopplin	Pederson, D.	Wehrbein
Burling	Fischer	Kremer	Preister	
Byars	Flood	Kruse	Price	
Chambers	Heidemann	Louden	Redfield	

Voting in the negative, 0.

Present and not voting, 10:

Beutler	Foley	Landis	Raikes	Schrock
Cunningham	Friend	Langemeier	Schimek	Thompson

Excused and not voting, 2:

Cornett	Jensen

The appointments were confirmed with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

SENATOR CUDABACK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 647A. Title read. Considered.

Advanced to E & R for review with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 300. Introduced by Cunningham, 40.

WHEREAS, the Crofton Warriors girls' basketball team is the champion of the 2006 Class C-1 Girls' State Basketball Tournament; and

WHEREAS, the victory over the Ashland-Greenwood Bluejays earned the Warriors their second straight Class C-1 championship; and

WHEREAS, the championship game finished off a perfect 24-0 season and marked thirty-two consecutive victories for the Crofton Warriors; and

WHEREAS, throughout the year the Crofton Warriors girls' basketball team has demonstrated that hard work, dedication, and discipline produces results; and

WHEREAS, such a team achievement is made possible not only by the players' performance and the coaches' guidance, but also through the support of parents, teachers, administrators, and the community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and congratulates the Crofton Warriors girls' basketball team and its coaches.

2. That a copy of this resolution be sent to the Crofton Warriors girls' basketball team and head coach Aaron Losing.

Laid over.

AMENDMENT - Print in Journal

Senator Aguilar filed the following amendment to LB 1088:
AM2579

1. Insert the following new section:

Sec. 5. Section 23-1824, Revised Statutes Cumulative Supplement, 2004, is amended to read:

23-1824 (1) The county coroner or coroner's physician shall perform, at county expense, an autopsy on any person less than nineteen years of age who dies a sudden death, except that no autopsy needs to be performed if (a) the death was caused by a readily recognizable disease or the death occurred due to trauma resulting from an accident and (b) the death did not occur under suspicious circumstances. The autopsy shall be based on standards developed by the Attorney General by January 1, 2007.

(2) The county coroner or coroner's physician shall attempt to establish, by a reasonable degree of medical certainty, the cause or causes of the death, and shall thereafter certify the cause or causes of death to the county attorney. No cause of death shall be certified as sudden infant death syndrome unless an

autopsy, a death scene investigation, and a review of the child's medical history reveal no other possible cause.

(3) A county may request reimbursement of up to fifty percent of the cost of an autopsy from the Attorney General. Reimbursement requests may include, but not be limited to, costs for expert witnesses and complete autopsies, including toxicology screens and tissue sample tests. The Attorney General shall place an emphasis on autopsies of children five years of age and younger.

2. On page 6, line 12, after the comma insert "and section 23-1824, Revised Statutes Cumulative Supplement, 2004,".

3. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 1115. E & R amendment, AM7175, found on page 865, was adopted.

Senator Hudkins withdrew her pending amendment, AM2430, found on page 824.

Senator Hudkins renewed her pending amendment, AM2597, found on page 922.

Senator Beutler offered the following amendment to the Hudkins pending amendment:
FA540

Amendment to AM2597

On page 1, line 20 change "may" to "shall"

The Beutler amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

The Hudkins amendment, as amended, was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Senator Brashear renewed his pending amendment, AM2449, found on page 923.

The Brashear amendment was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 542. E & R amendment, AM7136, found on page 282, was adopted.

Senator Chambers offered the following amendment:
FA334

Amendment to AM1834

P. 1, line 20, after "manufacturing" insert "and other raiders of the public till".

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

The Chambers amendment lost with 2 ayes, 26 nays, 18 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:
FA335

Amendment to AM1834

P. 2, lines 21 and 24, strike "nearby" and insert "contiguous".

Pending.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 903. Placed on General File as amended.
Standing Committee amendment to LB 903:
AM2596

1. Strike the original sections and insert the following new sections:

Section 1. Section 80-315, Reissue Revised Statutes of Nebraska, is amended to read:

80-315 (1) The Grand Island Veterans' Home, the Norfolk Veterans' Home, the Thomas Fitzgerald Veterans' Home, and the Western Nebraska Veterans' Home are established. On July 1, 2007, the Eastern Nebraska Veterans' Home is established. The State of Nebraska shall maintain the homes as provided in sections 80-314 to 80-331.

(2) The veterans' home known as the Thomas Fitzgerald Veterans' Home as of the effective date of this act shall continue to be known by that name until July 1, 2007. On and after July 1, 2007, the veterans' home shall be known as the Eastern Nebraska Veterans' Home.

Sec. 2. Section 81-1316, Revised Statutes Cumulative Supplement, 2004, is amended to read:

81-1316 (1) All agencies and personnel of state government shall be covered by sections 81-1301 to 81-1319 and shall be considered subject to the State Personnel System, except the following:

(a) All personnel of the office of the Governor;

(b) All personnel of the office of the Lieutenant Governor;

(c) All personnel of the office of the Secretary of State;

(d) All personnel of the office of the State Treasurer;

(e) All personnel of the office of the Attorney General;

(f) All personnel of the office of the Auditor of Public Accounts;

(g) All personnel of the Legislature;

(h) All personnel of the court systems;

(i) All personnel of the Board of Educational Lands and Funds;

(j) All personnel of the Public Service Commission;

(k) All personnel of the Nebraska Brand Committee;

(l) All personnel of the Commission of Industrial Relations;

(m) All personnel of the State Department of Education;

(n) All personnel of the Nebraska state colleges and the Board of Trustees of the Nebraska State Colleges;

(o) All personnel of the University of Nebraska;

(p) All personnel of the Coordinating Commission for Postsecondary Education;

(q) All personnel of the Governor's Policy Research Office, but not to include personnel within the State Energy Office;

(r) All personnel of the Commission on Public Advocacy;

(s) All agency heads;

(t) The Director of Medical Services established under section 83-125 and the chief executive officers of the Beatrice State Developmental Center, Lincoln Regional Center, Norfolk Regional Center, Hastings Regional Center, Grand Island Veterans' Home, Norfolk Veterans' Home, Thomas Fitzgerald Veterans' Home <u>prior to July 1, 2007, and the Eastern Nebraska Veterans' Home on and after July 1, 2007</u>, Western Nebraska Veterans' Home, Youth Rehabilitation and Treatment Center-Kearney, and Youth Rehabilitation and Treatment Center-Geneva;

(u) All personnel employed as pharmacists, physicians, psychiatrists, or psychologists of the Department of Health and Human Services, the Department of Health and Human Services Finance and Support, and the Department of Health and Human Services Regulation and Licensure; and

(v) Deputies and examiners of the Department of Banking and Finance and the Department of Insurance as set forth in sections 8-105 and 44-119, except for those deputies and examiners who remain in the State Personnel System.

(2) At each agency head's discretion, up to the following number of additional positions may be exempted from the State Personnel System, based on the following agency size categories:

Number of Agency	Number of Noncovered

Employees	Positions
less than 25	0
25 to 100	1
101 to 250	2
251 to 500	3
501 to 1000	4
1001 to 2000	5
2001 to 3000	8
3001 to 4000	11
4001 to 5000	14
over 5000	17

The purpose of having such noncovered positions shall be to allow agency heads the opportunity to recruit, hire, and supervise critical, confidential, or policymaking personnel without restrictions from selection procedures, compensation rules, career protections, and grievance privileges. Persons holding the noncovered positions shall serve at the pleasure of the agency head and shall be paid salaries set by the agency head.

(3) No changes to this section or to the number of noncovered positions within an agency shall affect the status of personnel employed on the date the changes become operative without their prior written agreement. A state employee's career protections or coverage by personnel rules and regulations shall not be revoked by redesignation of the employee's position as a noncovered position without the prior written agreement of such employee.

Sec. 3. Section 83-107.01, Reissue Revised Statutes of Nebraska, is amended to read:

83-107.01 The official names of the state institutions under the supervision of the Department of Health and Human Services shall be as follows: (1) Beatrice State Developmental Center, (2) Lincoln Regional Center, (3) Norfolk Regional Center, (4) Hastings Regional Center, (5) Grand Island Veterans' Home, (6) Norfolk Veterans' Home, ~~(7) Thomas Fitzgerald Veterans' Home, (8)~~ (7) Western Nebraska Veterans' Home, ~~(9)~~ (8) Youth Rehabilitation and Treatment Center-Kearney, and ~~(10)~~ (9) Youth Rehabilitation and Treatment Center-Geneva.

Prior to July 1, 2007, the official name of the state institution under the supervision of the Department of Health and Human Services shall be the Thomas Fitzgerald Veterans' Home and, on and after July 1, 2007, shall be the Eastern Nebraska Veterans' Home.

Sec. 4. Original sections 80-315 and 83-107.01, Reissue Revised Statutes of Nebraska, and section 81-1316, Revised Statutes Cumulative Supplement, 2004, are repealed.

(Signed) DiAnna R. Schimek, Chairperson

AMENDMENTS - Print in Journal

Senator Langemeier filed the following amendment to LB 1226:
AM2633

(Amendments to Standing Committee amendments, AM2578)

1. Strike section 6.

2. Renumber the remaining sections and correct internal references accordingly.

Senator Langemeier filed the following amendment to LB 1226:
AM2632

(Amendments to Standing Committee amendments, AM2578)

1. On page 82, lines 19 and 20, strike "and (d)" and insert "(d) A municipality which moves water from an area in a basin determined by the department to be fully appropriated pursuant to section 46-714 or designated as overappropriated pursuant to section 46-713 for use in another basin that has not been determined fully appropriated or overappropriated is not qualified for an exemption specified in this subsection if water exists in the basin to which the water is being moved in such quality and quantity to meet all or a portion of the needs of such municipality; and (e)".

Senator Foley filed the following amendment to LB 65:
(Amendment, AM2609, is printed separately and available in the Bill Room, Room 1104.)

VISITORS

Visitors to the Chamber were Lucas Peterson from Crete; members of the American Association of University Women from Omaha; and 26 fourth-grade students and teacher from Central Elementary School, Bellevue.

RECESS

At 12:00 p.m., on a motion by Senator Langemeier, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Bourne, Combs, Engel, and Mines who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 542. Senator Chambers renewed his pending amendment, FA335, found in this day's Journal.

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment:
FA541

Amendment to AM7136

P. 2, line 19 strike "nearby", and in line 20 after "states" insert "having demographics similar to those of Nebraska"

Senator Chambers moved for a call of the house. The motion prevailed with 21 ayes, 2 nays, and 26 not voting.

The Chambers amendment was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:
FA542

Amendment to AM7136

P. 2, strike lines 25-27.

The Chambers amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following amendment:
FA543

Amendment to AM7136

P. 2, line 21 strike "nominal".

The Chambers amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following amendment:
FA544

Amendment to AM7136

P. 2, line 22 strike "nearby" and after "states" insert "having demographics similar to those of Nebraska".

The Chambers amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Senator Chambers requested a machine vote on the advancement of the bill.

Senator Burling moved for a call of the house. The motion prevailed with 31

ayes, 0 nays, and 18 not voting.

Advanced to E & R for engrossment with 27 ayes, 4 nays, 16 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 542A. E & R amendment, AM7142, found on page 510, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 57. E & R amendment, AM7138, found on page 411, was adopted.

Senator Chambers renewed his pending amendment, FA204, found on page 1316, First Session, 2005.

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 25:

Aguilar	Engel	Friend	Kruse	Preister
Brashear	Erdman	Heidemann	Langemeier	Redfield
Byars	Fischer	Jensen	McDonald	Stuhr
Cornett	Flood	Kopplin	Mines	Stuthman
Cunningham	Foley	Kremer	Pahls	Wehrbein

Present and not voting, 16:

Beutler	Combs	Hudkins	Raikes
Bourne	Connealy	Janssen	Schimek
Brown	Cudaback	Johnson	Schrock
Burling	Howard	Price	Synowiecki

Excused and not voting, 7:

Baker	Louden	Pederson, D.	Thompson
Landis	Pedersen, Dw.	Smith	

The Chambers amendment lost with 1 aye, 25 nays, 16 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

SPEAKER BRASHEAR PRESIDING

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 295 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 295.

RESOLUTION

LEGISLATIVE RESOLUTION 301. Introduced by Kopplin, 3.

WHEREAS, the Gretna Lady Dragons won the 2006 Nebraska Class B Girls' Basketball Championship by defeating Beatrice, 52-46, on March 4, 2006; and

WHEREAS, this is the Lady Dragons' first state basketball championship and was their sixth straight trip to the state tournament; and

WHEREAS, the Lady Dragons finished their championship season with a record of twenty-three wins and two losses and had a nineteen game winning streak to finish the season.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Head Coach Jerome Skrdla and the members of the Gretna Lady Dragons girls' basketball team on their championship.

2. That a copy of this resolution be sent to Coach Skrdla.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1226A. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to

aid in carrying out the provisions of Legislative Bill 1226, Ninety-ninth Legislature, Second Session, 2006.

VISITORS

Visitors to the Chamber were Lindsey, Barbara, and Scott Byrd from Elkhorn; and 23 eighth-grade students and teacher from Friend.

The Doctor of the Day was Dr. Audrey Paulman from Omaha.

ADJOURNMENT

At 3:56 p.m., on a motion by Senator Kruse, the Legislature adjourned until 9:00 a.m., Thursday, March 9, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTIETH DAY - MARCH 9, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 9, 2006

PRAYER

The prayer was offered by Pastor Ken Begg, Abiding Faith Baptist Church, Fort Calhoun.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Brashear, Cornett, Cunningham, Engel, and Raikes who were excused until they arrive.

AMENDMENT - Print in Journal

Senators McDonald, Bourne, and Combs filed the following amendment to LB 994:
AM2524

1. Insert the following sections:

Section 1. Sections 1 to 8 of this act shall be known and may be cited as the Immunosuppressant Drug Repository Program Act.

Sec. 2. For purposes of the Immunosuppressant Drug Repository Program Act:

(1) Department means the Department of Health and Human Services Regulation and Licensure;

(2) Immunosuppressant drug means anti-rejection drugs that are used to reduce the body's immune system response to foreign material and inhibit a transplant recipient's immune system from rejecting a transplanted organ. Immunosuppressant drugs are available only as prescription drugs and come in tablet, capsule, and liquid forms. The recommended dosage depends on the type and form of immunosuppressant drug and the purpose for which it is being used. Immunosuppressant drug does not include drugs prescribed for inpatient use;

(3) Participant means a transplant center that has elected to voluntarily participate in the program, that has

submitted written notification to the department of its intent to participate in the program, and that accepts donated immunosuppressant drugs under the rules and regulations adopted and promulgated by the department for the program;

(4) Prescribing practitioner means a health care practitioner licensed under the Uniform Licensing Law who is authorized to prescribe immunosuppressant drugs;

(5) Prescription drug has the definition found in section 71-1,142;

(6) Program means the immunosuppressant drug repository program established pursuant to section 3 of this act;

(7) Transplant center means a hospital that operates an organ transplant program, including qualifying patients for transplant, registering patients on the national waiting list, performing transplant surgery, and providing care before and after transplant; and

(8) Transplant program means the organ-specific facility within a transplant center. A transplant center may have transplant programs for the transplantation of hearts, lungs, liver, kidneys, pancreata, or intestine.

Sec. 3. The department shall establish an immunosuppressant drug repository program for accepting donated immunosuppressant drugs and dispensing such drugs. Participation in the program shall be voluntary.

Sec. 4. Any person or entity, including, but not limited to, an immunosuppressant drug manufacturer or transplant center, may donate immunosuppressant drugs to a participant or return previously prescribed immunosuppressant drugs to the transplant center where they were originally prescribed.

Sec. 5. (1) An immunosuppressant drug shall only be accepted or dispensed under the program if such drug is in its original, unopened, sealed, and tamper-evident packaging. An immunosuppressant drug packaged in single unit doses may be accepted and dispensed if the outside packaging is opened but the single-unit-dose packaging is unopened. There shall be no limitation on the number of doses that can be donated to the program as long as the donated drugs meet the requirements of this section.

(2) An immunosuppressant drug shall not be accepted or dispensed under the program if (a) such drug bears an expiration date prior to the date of donation or (b) such drug is adulterated or misbranded as described in section 71-2401 or 71-2402.

(3) Subject to limitations provided in this section, unused immunosuppressant drugs dispensed under the medical assistance program established in section 68-1018 may be accepted and dispensed under the program.

Sec. 6. (1) A participant shall comply with all applicable provisions of state and federal law relating to the storage, distribution, and dispensing of donated immunosuppressant

drugs and shall inspect all such drugs prior to dispensing to determine if they are adulterated or misbranded as described in section 71-2401 or 71-2402 or if the drug has expired while in the repository. Such drugs shall only be dispensed pursuant to a prescription issued by a prescribing practitioner. Such drugs may be distributed to another participant for dispensing.

(2) Immunosuppressant drugs donated under the program shall not be resold.

Sec. 7. The department, upon the recommendation of the Board of Pharmacy, shall adopt and promulgate rules and regulations to carry out the Immunosuppressant Drug Repository Program Act. Such rules and regulations shall include, but not be limited to:

(1) Eligibility criteria and other standards and procedures for participants that accept and distribute or dispense donated immunosuppressant drugs;

(2) Necessary forms for administration of the program, including, but not limited to, forms for use by persons or entities that donate, accept, distribute, or dispense immunosuppressant drugs under the program. The forms shall include the name of the person to whom the drug was originally prescribed; and

(3)(a) Categories of immunosuppressant drugs that may be donated or returned under the program and (b) categories of immunosuppressant drugs that cannot be donated or returned under the program and the reason that such drugs cannot be donated or returned.

Sec. 8. (1) Any person or entity, including an immunosuppressant drug manufacturer, which exercises reasonable care in donating, accepting, distributing, or dispensing immunosuppressant drugs under the Immunosuppressant Drug Repository Program Act or rules and regulations adopted and promulgated under the act shall be immune from civil or criminal liability or professional disciplinary action of any kind for any injury, death, or loss to person or property relating to such activities.

(2) Notwithstanding subsection (1) of this section, the donation of an immunosuppressant drug by a drug manufacturer does not absolve the manufacturer of any criminal or civil liability that would have existed but for the donation, nor shall such donation increase the liability of such drug manufacturer that would have existed but for the donation.

2. Amend the operative date provisions so that the sections added by this amendment become operative on their effective date with the emergency clause.

3. Renumber the remaining sections and correct internal references accordingly.

SELECT FILE

LEGISLATIVE BILL 57. Senator Beutler renewed his pending amendment, AM1377, found on page 1384, First Session, 2005.

Senator Chambers offered the following amendment to the Beutler pending amendment:
FA546

Amendment to AM1377

In line 1 of AM1377, after "2" insert "strike, the mother of the unborn child" and insert "the pregnant woman".

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Aguilar	Cornett	Johnson	Pederson, D.	Schimek
Beutler	Cudaback	Kruse	Preister	Thompson
Brown	Howard	Landis	Price	Wehrbein
Chambers	Janssen	McDonald	Raikes	

Voting in the negative, 4:

Erdman	Foley	Friend	Smith

Present and not voting, 26:

Baker	Connealy	Hudkins	Mines	Stuthman
Bourne	Cunningham	Jensen	Pahls	Synowiecki
Brashear	Engel	Kopplin	Pedersen, Dw.	
Burling	Fischer	Kremer	Redfield	
Byars	Flood	Langemeier	Schrock	
Combs	Heidemann	Louden	Stuhr	

The Chambers amendment lost with 19 ayes, 4 nays, and 26 present and not voting.

The Chair declared the call raised.

SPEAKER BRASHEAR PRESIDING

Senator Foley offered the following motion:
Invoke cloture on LB 57, pursuant to Rule 7, Section 10.

Senator Foley moved for a call of the house. The motion prevailed with 45 ayes, 0 nays, and 4 not voting.

Senator Chambers requested a record vote on the Foley motion to invoke cloture.

Voting in the affirmative, 34:

Aguilar	Cornett	Friend	Langemeier	Schrock
Baker	Cunningham	Heidemann	Louden	Smith
Bourne	Engel	Hudkins	Mines	Stuhr
Burling	Erdman	Jensen	Pahls	Stuthman
Byars	Fischer	Kopplin	Pedersen, Dw.	Synowiecki
Combs	Flood	Kremer	Preister	Wehrbein
Connealy	Foley	Kruse	Redfield	

Voting in the negative, 12:

Beutler	Cudaback	Johnson	Raikes
Brown	Howard	Landis	Schimek
Chambers	Janssen	Price	Thompson

Present and not voting, 3:

Brashear	McDonald	Pederson, D.

The Foley motion to invoke cloture prevailed with 34 ayes, 12 nays, and 3 present and not voting.

The Beutler amendment, AM1377, lost with 4 ayes, 33 nays, and 12 present and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 34:

Baker	Cornett	Friend	Louden	Smith
Beutler	Cunningham	Heidemann	Mines	Stuhr
Bourne	Engel	Hudkins	Pahls	Stuthman
Burling	Erdman	Jensen	Pedersen, Dw.	Synowiecki
Byars	Fischer	Kopplin	Preister	Thompson
Combs	Flood	Kremer	Redfield	Wehrbein
Connealy	Foley	Langemeier	Schrock	

Voting in the negative, 1:

Chambers

Present and not voting, 14:

Aguilar	Cudaback	Johnson	McDonald	Raikes
Brashear	Howard	Kruse	Pederson, D.	Schimek
Brown	Janssen	Landis	Price	

Advanced to E & R for engrossment with 34 ayes, 1 nay, and 14 present and not voting.

The Chair declared the call raised.

SENATOR CUDABACK PRESIDING

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 1060. Placed on General File as amended.
(Standing Committee amendment, AM2581, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 1061. Placed on General File as amended.
Standing Committee amendment to LB 1061:
AM2584

1. Insert the following new sections:

Section 1. Section 13-2041, Reissue Revised Statutes of Nebraska, is amended to read:

13-2041 There is hereby created the Integrated Solid Waste Management Cash Fund. All fees collected by the department pursuant to this section or fees designated pursuant to section 13-2042 or money forfeited under subsection (21) of section 81-1505 shall be remitted to the State Treasurer for credit to the fund. Forfeited funds may only be used for purposes specified in the underlying financial assurance instrument. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

The council shall adopt and promulgate rules and regulations establishing a fee schedule to be paid to the department by persons applying for a permit to operate a facility pursuant to the Integrated Solid Waste Management Act or the Environmental Protection Act. Payment shall be made in full to the department before the application is processed.

By October 1 of each year, any person holding a permit under the Integrated Solid Waste Management Act or to operate a solid waste management facility under the Environmental Protection Act shall pay an annual fee in an amount to be determined by the council. The annual fee shall be sufficient to cover the costs of ongoing permit considerations. The fees collected pursuant to this section shall not exceed the amount necessary to pay reasonable costs of administering the permit program pursuant to the Integrated Solid Waste Management Act or the Environmental

Protection Act.

The State Treasurer shall transfer one million three hundred eighty-four thousand four hundred eighty-four dollars from the Integrated Solid Waste Management Cash Fund to the Superfund Cost Share Cash Fund on or before June 1, 2006.

Sec. 12. Section 81-15,174, Revised Statutes Cumulative Supplement, 2004, is amended to read:

81-15,174 The Nebraska Environmental Trust Fund is created. The fund shall be maintained in the state accounting system as a cash fund. Except as otherwise provided in this section, the fund shall be used to carry out the purposes of the Nebraska Environmental Trust Act, including the payment of administrative costs. Money in the fund shall include proceeds credited pursuant to section 9-812 and proceeds designated by the board pursuant to section 81-15,173. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

The State Treasurer shall transfer nine hundred twenty-five thousand dollars from the Nebraska Environmental Trust Fund to the Department of Natural Resources Water Issues Cash Fund, as administratively created pursuant to section 81-1111.04, on or after July 1, 2003, but no later than July 10, 2003.

The State Treasurer shall transfer one million dollars from the Nebraska Environmental Trust Fund to the Water Resources Trust Fund on July 1, 2004.

The State Treasurer shall transfer two million seven hundred sixty thousand seven hundred sixty dollars from the Nebraska Environmental Trust Fund to the University of Nebraska Central Administration Designated Cash Fund on March 1, 2007, unless LR259CA is approved by the voters in the November 2006 general election, then the transfer shall occur on November 15, 2006.

2. On page 2, lines 3 and 4, strike "2 to 4" and insert "3 to 5".

3. On page 6, line 15, strike "7" and insert "8".

4. On page 12, strike lines 23 through 25.

5. On page 13, strike lines 1 through 4.

6. On page 14, lines 1 and 2, strike "13 and 14" and insert "15 and 16".

7. On page 21, line 19, strike "8, 9, 20, 21, 24, and 26" and insert "9, 10, 22, 23, 26, and 28"; and in line 25 strike "section" and insert "sections 13-2041 and".

8. On page 22, line 1, after "sections" insert "81-15,174,".

9. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1131. Placed on General File as amended.
Standing Committee amendment to LB 1131:

AM2620

1. Strike the original sections and insert the following new sections:

Section 1. Section 84-612, Revised Statutes Supplement, 2005, is amended to read:

84-612 (1) There is hereby created within the state treasury a fund known as the Cash Reserve Fund which shall be under the direction of the State Treasurer. The fund shall only be used pursuant to this section.

(2) The State Treasurer shall transfer funds from the Cash Reserve Fund to the General Fund upon certification by the Director of Administrative Services that the current cash balance in the General Fund is inadequate to meet current obligations. Such certification shall include the dollar amount to be transferred. Any transfers made pursuant to this subsection shall be reversed upon notification by the Director of Administrative Services that sufficient funds are available.

~~(3) On June 15, 2005, the State Treasurer shall transfer twenty-six million dollars from the Cash Reserve Fund to the General Fund.~~

~~(4)~~ (3) The State Treasurer, at the direction of the budget administrator of the budget division of the Department of Administrative Services, shall transfer such amounts not to exceed seven million seven hundred fifty-three thousand two hundred sixty-three dollars in total from the Cash Reserve Fund to the Nebraska Capital Construction Fund between July 1, 2003, and June 30, 2007.

~~(5)~~ (4) The State Treasurer, at the direction of the budget administrator, shall transfer an amount equal to the total amount transferred pursuant to subsection ~~(4)~~ (3) of this section from the General Fund to the Cash Reserve Fund on or before June 30, 2008.

~~(6)~~ (5) In addition to receiving transfers from other funds, the Cash Reserve Fund shall receive federal funds received by the State of Nebraska for undesignated general government purposes, federal revenue sharing, or general fiscal relief of the state.

~~(7) On July 29, 2005, the State Treasurer shall transfer one hundred forty-five million eight hundred eleven thousand three hundred sixty-eight dollars from the Cash Reserve Fund to the Low-Level Radioactive Waste Settlement Fund.~~

~~(8)~~ (6) On June 15, 2007, the State Treasurer shall transfer fifteen million six hundred seventy-four thousand one hundred seven dollars from the Cash Reserve Fund to the General Fund.

~~(9)~~ (7) On June 15, 2008, the State Treasurer shall transfer seventeen million nine hundred thirty-one thousand thirty dollars from the Cash Reserve Fund to the General Fund.

~~(10)~~ (8) On June 15, 2009, the State Treasurer shall

transfer four million nine hundred ninety thousand five hundred five dollars from the Cash Reserve Fund to the General Fund.

(9) On or before June 16, 2008, the State Treasurer, at the direction of the budget administrator, shall transfer fifty million dollars from the Cash Reserve Fund to the General Fund.

(10) On or before June 16, 2009, the State Treasurer, at the direction of the budget administrator, shall transfer fifty million dollars from the Cash Reserve Fund to the General Fund.

~~(11) On or before July 8, 2005, the State Treasurer shall transfer fifteen million dollars from the Cash Reserve Fund to the Job Training Cash Fund. This transfer shall be returned to the Cash Reserve Fund in amounts according to section 81-1201.21.~~

Sec. 2. Section 84-613, Revised Statutes Cumulative Supplement, 2004, is amended to read:

84-613 (1) Any money in the Cash Reserve Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Until July 1, 2007, any interest earned by the fund shall accrue to the General Fund. Commencing July 1, 2007, any interest earned by the Cash Reserve Fund shall accrue to the Building Renewal Allocation Fund.

(2) Of the amount accruing to the Building Renewal Allocation Fund pursuant to this section for the period July 1, 2007, through June 30, 2008, the State Treasurer, at the direction of the budget administrator, shall transfer to the State Capitol Restoration Fund an amount or amounts equivalent to the total amount appropriated from the State Capitol Restoration Fund for the period July 1, 2008, through June 30, 2009. If the amount accruing to the Building Renewal Allocation Fund for the period July 1, 2007, through June 30, 2008, is insufficient to fulfill the directed transfers to the State Capitol Restoration Fund for such period, any deficiency shall be satisfied with amounts transferred pursuant to subsection (3) of this section.

(3) Of the amount accruing to the Building Renewal Allocation Fund pursuant to this section for the period July 1, 2008, through June 30, 2009, the State Treasurer, at the direction of the budget administrator, shall first transfer to the State Capitol Restoration Fund an amount or amounts equivalent to any deficiency in amounts accruing to the State Capitol Restoration Fund under the provisions of subsection (2) of this section and shall then transfer to the State Capitol Restoration Fund an amount or amounts equivalent to the total amount appropriated from the State Capitol Restoration Fund for the period July 1, 2009, through June 30, 2010. If the amount accruing to the Building Renewal Allocation Fund for the period July 1, 2008, through June 30,2009, is insufficient to fulfill the directed transfers to the State Capitol Restoration Fund for such period, any such deficiency shall be satisfied with amounts transferred pursuant to subsection (4) of this section.

(4) Of the amount accruing to the Building Renewal Allocation Fund pursuant to this section for the period July 1, 2009, through June 30, 2010, the State Treasurer, at the direction of the budget administrator, shall first transfer to the State Capitol Restoration Fund an amount or amounts equivalent to any deficiency in amounts accruing to the State Capitol Restoration Fund under provisions of subsection (3) of this section and shall then transfer to the State Capitol Restoration Fund an amount or amounts equivalent to the total amount appropriated from the State Capitol Restoration Fund for the period July 1, 2010, through June 30, 2011. If the amount accruing to the Building Renewal Allocation Fund for the period July 1, 2009, through June 30, 2010, is insufficient to fulfill the directed transfers to the State Capitol Restoration Fund for such period, any such deficiency shall be satisfied with amounts transferred pursuant to subsection (5) of this section.

(5) Of the amount accruing to the Building Renewal Allocation Fund pursuant to this section for the period July 1, 2010, through June 30, 2011, the State Treasurer, at the direction of the budget administrator, shall transfer to the State Capitol Restoration Fund an amount or amounts equivalent to any deficiency in amounts accruing to the State Capitol Restoration Fund under the provisions of subsection (4) of this section.

Sec. 3. The State Capitol Restoration Fund is created. Money in the fund shall include interest earned by the Cash Reserve Fund and transferred to the State Capitol Restoration Fund pursuant to section 84-613. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 4. Original section 84-613, Revised Statutes Cumulative Supplement, 2004, and section 84-612, Revised Statutes Supplement, 2005, are repealed.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.

LEGISLATIVE BILL 1062. Indefinitely postponed.

(Signed) Don Pederson, Chairperson

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 1060:
FA545
Strike the enacting clause of LB 1060.

Senator Foley filed the following amendment to LB 1060:
AM2617
(Amendments to Standing Committee amendments, AM2581)

1. Insert the following new section:
Section 1. AGENCY NO. 78 -- NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE
Program No. 202 - Crime Victims' Reparations

	FY2005-06	FY2006-07
GENERAL FUND	-0-	200,000
PROGRAM TOTAL	-0-	200,000

2. Renumber the remaining sections accordingly.

Senator Landis filed the following amendment to LB 968:
AM2644
(Amendments to Standing Committee amendments, AM2582)

1. Insert the following new sections:
Section 1. Section 66-1345.04, Revised Statutes Supplement, 2005, is amended to read:
66-1345.04 (1) The State Treasurer shall transfer from the General Fund to the Ethanol Production Incentive Cash Fund, on or before the end of each of fiscal years 1995-96 and 1996-97, $8,000,000 per fiscal year.
(2) It is the intent of the Legislature that the following General Fund amounts be appropriated to the Ethanol Production Incentive Cash Fund in each of the following years:
(a) For each of fiscal years 1997-98 and 1998-99, $7,000,000 per fiscal year;
(b) For fiscal year 1999-2000, $6,000,000;
(c) For fiscal year 2000-01, $5,000,000;
(d) For fiscal year 2001-02 and for each of fiscal years 2003-04 through 2006-07, $1,500,000;
(e) For each of fiscal years 2005-06 and 2006-07, $2,500,000 in addition to the amount in subdivision (2)(d) of this section;
(f) For fiscal year 2007-08, $5,500,000; ~~and~~
(g) For each of fiscal years 2008-09 through 2011-12, $2,500,000; and ~~.~~
(h) For each of fiscal years 2005-06 and 2006-07, $5,000,000 in addition to the other amounts in this section.
Sec. 19. Since an emergency exists, this act takes effect when passed and approved according to law.
2. On page 4, line 21; and page 5, line 25, strike "October" and insert "July".
3. On page 22, strike beginning with "the" in line 5 through "of" in line 6 and show as stricken; in line 7 strike "deducted on the federal return" and show as stricken; and strike beginning with "paid" in line 8 through "77-2716.03" in line 9, show as stricken, and insert "included in federal itemized deductions before any federal disallowance".
4. On page 36, line 23, strike "October" and insert "July".
5. On page 37, line 2, after "sections" insert

"66-1345.04," and after "77-3442" insert a comma.
6. Renumber the remaining sections and correct internal references accordingly.

Senators Landis and Kopplin filed the following amendment to LB 500:
(Amendment, AM2641, is printed separately and available in the Bill Room, Room 1104.)

Senator Landis filed the following amendment to LB 1249:
AM2624
1. Insert the following new sections:
Sec. 19. The commission shall, in conformity with the provisions of the State Natural Gas Regulation Act, modify the exclusive service territory of a metropolitan utilities district to extend to the boundaries of the city of the metropolitan class it serves as such city annexes new territory and as the existing natural gas infrastructure in such area owned by a jurisdictional utility is acquired by the metropolitan utilities district through the exercise of the power of eminent domain pursuant to subsection (2) of section 14-2116.
Sec. 20. All extensions, modifications, replacements, or enlargements of a jurisdictional utility or metropolitan utilities district when carried out inside the service territory of the jurisdictional utility or metropolitan utilities district as established by the State Natural Gas Regulation Act may proceed without any requirement for additional commission approval so long as such extensions, modifications, or enlargements comply with the requirements of the act.
2. On page 2, line 20, strike "18" and insert "20".
3. On page 13, line 24, strike "No" and insert "(1) Except as provided in subsection (2) of this section, no".
4. On page 14, line 4, after "services" insert "outside the boundaries of its service area"; in line 8 after the period insert "Any proposal for extension or enlargement shall be filed with the commission who shall promptly make such application public."; and after line 25 insert
"(b) If no party with the appropriate authority has filed with the commission a protest alleging that such extension or enlargement is not in the public interest within fifteen working days after the date upon which the application was made public, the enlargement or extension shall be conclusively presumed to be in the public interest and the jurisdictional utility or metropolitan utilities district may proceed with the extension or enlargement without further action by the commission.".
5. Renumber the remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 302. Introduced by Cudaback, 36; McDonald, 41.

WHEREAS, the Ravenna Blue Jays won the Class C-2 championship at the 2006 Nebraska Girls' State Basketball Championships; and

WHEREAS, the second-ranked Blue Jays defeated third-ranked West Point Central Catholic 55-44, never trailing in the victory; and

WHEREAS, this is the Ravenna Blue Jays' first state championship, after finishing as runner-up two seasons ago; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Ravenna Blue Jays on their Class C-2 championship at the 2006 Nebraska Girls' State Basketball Championships.

2. That a copy of this resolution be sent to the Blue Jays and their coach, Jeff Thober.

Laid over.

SELECT FILE

LEGISLATIVE BILL 75. Senator Chambers renewed his pending amendment, FA422, found on page 609 and considered on page 818.

PRESIDENT SHEEHY PRESIDING

SENATOR CUDABACK PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 15 ayes, 2 nays, and 32 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 17:

Beutler	Erdman	Kruse	Schimek	Wehrbein
Bourne	Friend	Landis	Schrock	
Connealy	Howard	Langemeier	Smith	
Cornett	Hudkins	Mines	Stuhr	

Present and not voting, 29:

Baker	Combs	Heidemann	McDonald	Raikes
Brashear	Cudaback	Janssen	Pahls	Redfield
Brown	Cunningham	Johnson	Pedersen, Dw.	Stuthman
Burling	Engel	Kopplin	Pederson, D.	Synowiecki
Byars	Fischer	Kremer	Preister	Thompson
Chambers	Foley	Louden	Price	

Excused and not voting, 3:

Aguilar	Flood	Jensen

The Chambers amendment lost with 0 ayes, 17 nays, 29 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
Reconsider the vote taken on FA422.

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 2 nays, and 23 not voting.

The Chambers motion to reconsider prevailed with 27 ayes, 2 nays, 15 present and not voting, and 5 excused and not voting.

The Chambers amendment, FA422, found on page 609 and considered on page 818 and in this day's Journal, was reconsidered.

The Chambers amendment was adopted with 25 ayes, 7 nays, 12 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Beutler moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Bourne requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 28:

Baker	Cunningham	Kruse	Price	Stuhr
Beutler	Engel	Landis	Raikes	Stuthman
Burling	Erdman	McDonald	Redfield	Thompson
Byars	Janssen	Pedersen, Dw.	Schimek	Wehrbein
Chambers	Johnson	Pederson, D.	Schrock	
Connealy	Kremer	Preister	Smith	

Voting in the negative, 6:

Bourne	Howard	Mines
Friend	Kopplin	Synowiecki

Present and not voting, 10:

Brashear	Combs	Cudaback	Heidemann	Langemeier
Brown	Cornett	Fischer	Hudkins	Louden

Excused and not voting, 5:

Aguilar	Flood	Foley	Jensen	Pahls

Advanced to E & R for engrossment with 28 ayes, 6 nays, 10 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Senator Langemeier filed the following amendment to LB 1226:
AM2648

(Amendments to Standing Committee amendments, AM2578)

1. On page 82, lines 19 and 20, strike "and (d)" and insert "(d) A municipality which moves water from an area in a basin, and such basin has been determined by the department to be fully appropriated pursuant to section 46-714 or designated as overappropriated pursuant to section 46-713, for use in another basin, and the other basin has not been determined fully appropriated or overappropriated by the department and is not under any federal water restrictions, is not qualified for an exemption specified in this subsection if water exists in the basin to which the water is being moved in such quality and quantity to meet all or a portion of the needs of such municipality; and (e)".

Senator Langemeier filed the following amendment to LB 933:
AM2638

(Amendments to AM2573)

1. On page 82, lines 19 and 20, strike "and (d)" and insert "(d) A municipality which moves water from an area in a basin, and such basin has been determined by the department to be fully appropriated pursuant to section 46-714 or designated as overappropriated pursuant to section 46-713, for use in another basin, and the other basin has not been determined fully appropriated or overappropriated by the department and is not under any federal water restrictions, is not qualified for an exemption specified in this subsection if water exists in the basin to which

the water is being moved in such quality and quantity to meet all or a portion of the needs of such municipality; and

(e)".

Senator Langemeier filed the following amendment to LB 1226A:
AM2652

1. Strike section 2.

MOTION - Print in Journal

Senator Landis filed the following motion to LB 1189:
Indefinitely postpone LB 1189.

AMENDMENT - Print in Journal

Senator Mines filed the following amendment to LB 933:
AM2631

(Amendments to the Schrock amendment, AM2573)

1. Insert the following new sections:

Sec. 4. Section 2-3202, Revised Statutes Cumulative Supplement, 2004, is amended to read:

2-3202 For purposes of Chapter 2, article 32, and section 6 of this act, unless the context otherwise requires:

(1) Commission means the Nebraska Natural Resources Commission;

(2) Natural resources district or district means a natural resources district operating pursuant to Chapter 2, article 32;

(3) Board means the board of directors of a district;

(4) Director means a member of the board;

(5) Other special-purpose districts means rural water districts, drainage districts, reclamation districts, and irrigation districts;

(6) Manager means the chief executive hired by a majority vote of the board to be the supervising officer of the district; and

(7) Department means the Department of Natural Resources.

Sec. 6. (1) The district shall ensure that any water project guarantees to the public access for recreational use that meets or exceeds the same access afforded to or reserved by private landowners adjacent to the water project. Recreational users, whether public or private, shall abide by all applicable rules and regulations for use of the water project adopted and promulgated by the district or the political subdivision in which the water project is located. Public recreational users may only access the water project through designated access points.

(2) For purposes of this section, water project means a project authorized in section 2-3235 and designed and built on

and after the operative date of this section that (a) includes the construction of a reservoir or results in the construction, enlargement, extension, or improvement of any stream of drainage or system of control of surface water and (b) creates significant new recreational benefits for the reservoir, stream, or surface water. Water project does not include conservation and land-use projects that do not create significant new recreational benefits.

Sec. 8. Section 2-3290, Reissue Revised Statutes of Nebraska, is amended to read:

2-3290 ~~A~~ Except as otherwise provided in section 6 of this act, a district which owns, leases, or has an easement on land may allow the land to be used by the public for recreational purposes and may adopt and promulgate rules and regulations governing the use of such land as provided in sections 2-3292 to 2-32,100 unless the district does not have the right to use such land for recreational purposes. For purposes of sections 2-3234.01 and 2-3290 to 2-32,101, unless the context otherwise requires, recreation area shall mean land owned or leased by a district, or on which a district has an easement, which the district authorizes to be used by the public for recreational purposes.

In addition to the authority provided in section 2-3292 to establish and collect fees, a district may establish and collect permit fees for public access to such land.

Sec. 9. Section 2-3296, Reissue Revised Statutes of Nebraska, is amended to read:

2-3296 (1) ~~A~~ Except as otherwise provided in section 6 of this act, a district may permit and regulate swimming, bathing, boating, wading, waterskiing, the use of any floatation device, or any other water-related recreational activity in all or any portion of a recreation area and may provide for special conditions to apply to specific swimming, bathing, boating, wading, or waterskiing areas. Any special conditions shall be posted on appropriate signs in the areas to which they apply.

(2) Any person who swims, bathes, boats, wades, water-skis, uses any floatation device, or engages in any other water-related recreational activity in a recreation area when not permitted by a district shall be guilty of a Class V misdemeanor.

Sec. 10. Section 2-3297, Reissue Revised Statutes of Nebraska, is amended to read:

2-3297 (1) A district may provide for the protection, use, or removal of any public real or personal property in a recreation area and may regulate or prohibit the construction or installation of any privately owned structure in a recreation area. ~~A~~ Except as otherwise provided in section 6 of this act, a district may close all or any portion of a recreation area to any form of public use or access with the erection of appropriate signs, without the adoption and promulgation of formal written rules and regulations.

(2) Any person who, without the permission of the

district, damages, destroys, uses, or removes any public real or personal property in a recreation area, constructs or installs any privately owned structure in a recreation area, or enters or remains upon all or any portion of a recreation area when appropriate signs or public notices prohibiting such activity have been erected or displayed shall be guilty of a Class V misdemeanor.

Sec. 12. Section 18-1755, Reissue Revised Statutes of Nebraska, is amended to read:

18-1755 A city of the metropolitan, primary, first, or second class or village acquiring an interest in real property by purchase or eminent domain shall do so only after the governing body has authorized the acquisition by action taken in a public meeting after notice and public hearing. The city or village shall guarantee to the public a right of access for recreational use to the real property acquired for public purposes that meets or exceeds such a right held by a private landowner adjacent to the real property.

2. On page 92, line 18, after "sections" insert "2-3290, 2-3296, 2-3297, 18-1755,"; and in line 22, after "2-1588" insert ", 2-3202".

3. Correct the operative date section and repealer so that the sections added by this amendment become operative three calendar months after adjournment of this legislative session.

4. Renumber remaining sections and correct internal references accordingly.

VISITORS

Visitors to the Chamber were Joyce, Bethany, Justin, Jacob, and Joshua Begg from Fort Calhoun; Kandy Imes from Gering, Valentin Guyonnet from France, Erkka Hogstrom from Finland, and Gabriel Cavalcante from Brazil; Christine Hatterman from Holdrege; 11 students and teacher from Southwest High School, Lincoln; 10 members of Leadership Nebraska City; and 48 fourth-grade students and teachers from Hayward School, Nebraska City.

RECESS

At 11:55 a.m., on a motion by Speaker Brashear, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Aguilar and Burling who were excused; and Senators Brown, Byars, Cunningham, Jensen, McDonald, Mines, and Synowiecki who were excused until they arrive.

AMENDMENT - Print in Journal

Senator Thompson filed the following amendment to LB 1208:
AM2640

1. On page 6, line 22, strike "The" and insert "Fifty percent of the fund shall be allocated to the Attracting Excellence to Teaching Program Cash Fund to fund the Attracting Excellence to Teaching Program Act. Of the remaining amount, the".

2. On page 7, line 2, after the first comma insert "fifty percent of the Education Innovation Fund shall be allocated to the Attracting Excellence to Teaching Program Cash Fund to fund the Attracting Excellence to Teaching Program Act and the amount remaining in".

3. On page 69, strike beginning with "79-8,132" in line 4 through "79-8,140," in line 5.

SELECT FILE

LEGISLATIVE BILL 248. Senator Chambers renewed his pending motion, found on page 917, to bracket LB 248 until April 7, 2006.

Senator Chambers withdrew his motion to bracket.

The Bourne pending amendment, AM2110, found on page 643 and considered on page 917, was renewed.

The Bourne amendment was adopted with 29 ayes, 2 nays, 9 present and not voting, and 9 excused and not voting.

Senator Baker withdrew his pending amendment, AM2200, found on page 645.

Senator Baker renewed his pending amendment, AM2605, found on page 918.

The Baker amendment lost with 4 ayes, 11 nays, 28 present and not voting, and 6 excused and not voting.

Senator Mines withdrew his pending amendment, AM2622, found on page 923.

Senator Beutler withdrew his pending amendment, FA539, found on page 924.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 454. E & R amendment, AM7137, found on page 410, was adopted.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 542, 542A, 975, and 1115.

ER9081

Enrollment and Review Change to LB 542

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7136, on page 3, line 1, "(6)" has been struck and "(5)" inserted; in line 5 "(7)" has been struck and "(6)" inserted; and in line 9 "(8)" has been struck and "(7)" inserted.

ER9079

Enrollment and Review Change to LB 975

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Schrock amendment, AM2424, on page 1, line 2, the matter beginning with "in" through the second semicolon has been struck.

2. In the E & R amendments, AM7152, on page 1, line 9, "19" has been struck and "22" inserted.

3. In the Standing Committee amendments, AM2002:

a. On page 4, line 11, "an" has been inserted after the first comma and "a" has been inserted after the second comma; in line 12 "a" has been inserted after the first comma and after "or"; and in line 13 "an" has been inserted before "application"; and

b. On page 24, line 10, "section 54-2424" has been struck and "sections 54-2424 and 81-1513" inserted; and in line 11 "is" has been struck and "are" inserted.

4. On page 1, the matter beginning with "livestock" in line 1 through line 8 and all amendments thereto have been struck and "pollution regulation; to amend sections 54-2416, 54-2417, 54-2418, 54-2419, 54-2422, 54-2423, 54-2424, 54-2425, 54-2426, 54-2428, 54-2431, 54-2432, 54-2433, 54-2435, and 81-1513, Reissue Revised Statutes of Nebraska, and section 54-2429, Revised Statutes Supplement, 2005; to change provisions of the Livestock Waste Management Act; to change procedures for the granting of variances

from the Department of Environmental Quality rules or regulations; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

ER9080

Enrollment and Review Change to LB 1115

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7175:

a. On page 1, line 19, "84-915.01," has been inserted after the first comma; and

b. On page 2, line 6, "and agency records" has been inserted after the comma.

2. In the Bourne amendment, AM2400, on page 1, line 5, "43, and 46" has been struck and "42, 44, and 47" inserted; in line 7 "44" has been struck and "45" inserted; and in line 13 "84-915.01," has been inserted after the first comma.

(Signed) Michael Flood, Chairperson

AMENDMENTS - Print in Journal

Senator Friend filed the following amendment to LB 1175:
AM2654

(Amendments to E & R amendments, AM7177)

1. Insert the following new section:

Sec. 8. Since an emergency exists, this act takes effect when passed and approved according to law.

Senators Landis and Connealy filed the following amendment to LB 990:
AM2651

(Amendments to Standing Committee amendments, AM2351)

1. On page 1, line 4, strike "three hundred" and insert "thirty".

SELECT FILE

LEGISLATIVE BILL 454. Senator Chambers renewed his pending amendment, AM1238, found on page 1218, First Session, 2005.

Senator Chambers offered the following amendment to his pending amendment:
FA548

Amendment to AM1238

P. 1, line 2; p. 2, line 8 strike "pistols" and insert "firearms"; P. 2, lines 13 and 26 and page 3 line 18 strike "pistol" and insert "firearm".

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 994. Placed on Select File as amended.
(E & R amendment, AM7178, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 994A. Placed on Select File.

LEGISLATIVE BILL 1175. Placed on Select File as amended.
E & R amendment to LB 1175:
AM7177

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 15-201.02, Reissue Revised Statutes of Nebraska, is amended to read:

15-201.02 In addition to any other powers granted to it by law, a city of the primary class may enter into installment contracts for the purchase of real or personal property. Such contracts need not be restricted to a single year and may provide for the purchase of the property in installment payments to be paid over more than one fiscal year. This section shall be in addition to and notwithstanding the provisions of a home rule charter.

Sec. 2. Section 18-2147, Revised Statutes Cumulative Supplement, 2004, is amended to read:

18-2147 (1) Any redevelopment plan as originally approved or as later modified pursuant to section 18-2117, may contain a provision that any ad valorem tax levied upon real property in a redevelopment project for the benefit of any public body shall be divided, for a period not to exceed fifteen years after the effective date of such a provision by the governing body, as follows:

(a) That portion of the ad valorem tax which is produced by the levy at the rate fixed each year by or for each such public body upon the redevelopment project valuation shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body;

(b) That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans, notes, or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such authority for financing or refinancing, in whole or in part, the redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due, have been paid, the authority shall so notify the county assessor and county treasurer and all ad valorem taxes upon taxable real property in

such a redevelopment project shall be paid into the funds of the respective public bodies; and

(c) Any interest and penalties due for delinquent taxes shall be paid into the funds of each public body in the same proportion as are all other taxes collected by or for the public body.

(2) The governing body shall not implement any plan containing a provision dividing ad valorem taxes as provided in subsection (1) of this section until such time as the real property in the redevelopment project is within the corporate boundaries of the city.

(3) Notice of the provision dividing ad valorem taxes shall be sent in writing by the authority to the county assessor on or before August 1 of the year of the effective date of the provision. Failure to satisfy the notice requirement of this section shall result in the taxes, for all taxable years affected by the failure to give notice of the effective date of the provision, remaining undivided and being paid into the funds for each public body receiving property taxes generated by the property in the redevelopment project. However, the redevelopment project valuation for the remaining division of ad valorem taxes in accordance with subdivisions (1)(a) and (b) of this section shall be the last certified valuation for the taxable year prior to the effective date of the provision to divide the taxes for the remaining portion of the fifteen-year period pursuant to subsection (1) of this section.

Sec. 3. Section 19-4801, Revised Statutes Cumulative Supplement, 2004, is amended to read:

~~19-4801~~ (1) The chief or head official of the fire department, fire inspectors as may be designated by such chief or head official, or inspectors charged with the enforcement of fire, health, or safety codes and constructional technical codes of a city of the first class, city of the primary class, or city of the metropolitan class shall have the authority, after being trained by a certified law enforcement officer in the policies and procedures for issuance of citations, to issue citations for violations of fire, health, and safety codes and constructional technical codes ~~(1)~~ (a) that constitute infractions or violations of city ordinances, ~~(2)~~ (b) that are violations of the fire, health, or safety code or constructional technical code that the official or inspector issuing the citation is charged with enforcing, and ~~(3)~~ (c) in which the circumstances do not pose a danger to the official or inspector.

(2) If a city of the second class or village has adopted and is enforcing a fire, health, safety, or constructional technical code, the chief or head official of the fire department, fire inspectors designated by such chief or head official, or such inspectors charged with the enforcement of the fire, health, safety, or constructional technical code shall have the authority,

after being trained by a certified law enforcement officer in the policies and procedures for issuance of citations, to issue citations for violations of fire, health, safety, or constructional technical codes (a) that constitute infractions or violations of city or village ordinances, (b) that are violations of the fire, health, safety, or constructional technical code that the official or inspector issuing the citation is charged with enforcing, and (c) where the circumstances do not pose a danger to the official or inspector.

(3) A citation issued under this section shall be equivalent to and have the same legal effect as a citation issued in lieu of arrest or continued custody by a peace officer if the citation and procedures utilized meet the requirements of sections 29-422 to 29-429. The citation shall be on the same form prescribed under section 29-423. Failure to appear or comply with a citation issued under this section shall be punishable in the same manner as provided in section 29-426. An official or inspector issuing a citation under this section shall not have authority to take a person into custody or detain a person under this section or section 29-427.

Sec. 4. Section 29-424, Revised Statutes Cumulative Supplement, 2004, is amended to read:

29-424 When a citation is used by a peace officer or when a citation is used by an official or inspector pursuant to section ~~19-4801~~ 3 of this act, he or she shall enter thereon all required information, including the name and address of the cited person, the offense charged, and the time and place the person cited is to appear in court. Unless the person cited requests an earlier date, the time of appearance shall be at least three days after the issuance of the citation. One copy of the citation shall be delivered to the person cited, and a duplicate thereof shall be signed by such person, giving his or her promise to appear at the time and place stated therein. Such person thereupon shall be released from custody. As soon as practicable, the copy signed by the person cited shall be delivered to the prosecuting attorney.

At least twenty-four hours before the time set for the appearance of the cited person, either the prosecuting attorney or other person authorized by law to issue a complaint for the particular offense shall issue and file a complaint charging such person with an offense or such person shall be released from the obligation to appear as specified. A person cited pursuant to sections 29-422 to 29-429 may waive his or her right to trial. The Supreme Court may prescribe uniform rules for such waivers.

Anyone may use a credit card authorized by the court in which the person is cited as a means of payment of his or her fine and costs.

Sec. 5. Section 31-741, Reissue Revised Statutes of Nebraska, is amended to read:

31-741 ~~For the first eight years after the election of~~

~~the initial board of trustees pursuant to section 31-735, all~~ All contracts for construction work to be done or materials or equipment purchased, the expense of which is more than ~~ten~~ twenty thousand dollars, ~~and after such eight-year period, all contracts for work to be done or materials or equipment purchased, the expense of which is more than fifteen thousand dollars,~~ shall be let to the lowest responsible bidder, upon notice of not less than twenty days, of the terms and conditions of the contract to be let. The board of trustees or the administrator shall have power to reject any and all bids and readvertise for the letting of such work or to negotiate any contract after an unsuccessful public letting.

Sec. 6. Section 35-1207, Reissue Revised Statutes of Nebraska, is amended to read:

35-1207 (1) Any rural or suburban fire protection district or mutual finance organization seeking funds pursuant to the Mutual Finance Assistance Act shall submit an application for funding to the State Treasurer by July 1. ~~or ten days after June 1, 1998, whichever is later.~~ The State Treasurer shall develop the application which requires calculations showing assumed population eligibility under section 35-1205 and the distribution amount under section 35-1206. If the applicant is a mutual finance organization, it shall attach to its first application a copy of the agreement pursuant to section 35-1204 and attach to any subsequent application a copy of an amended agreement or an affidavit stating that the previously submitted agreement is still accurate and effective. Any mutual finance organization making application pursuant to this section shall include with the application additional financial information regarding the manner in which any funds received by the mutual finance organization based upon the prior year's application pursuant to the act have been expended or distributed by that mutual finance organization. The State Treasurer shall provide copies of such reports on mutual finance organization expenditures and distributions to the Clerk of the Legislature by December 1 of each year in which any reports are filed.

(2) The State Treasurer shall review all applications for eligibility for funds under the act and approve any application which is accurate and demonstrates that the applicant is eligible for funds. On or before August 15, the State Treasurer shall notify the applicant of approval or denial of the application and certify the amount of funds for which an approved applicant is eligible. The decision of the State Treasurer may be appealed as provided in the Administrative Procedure Act.

(3) ~~Funds~~ Except as provided in subsection (4) of this section, funds shall be disbursed by the State Treasurer in two payments which are as nearly equal as possible, to be paid on or before November 1 and May 1. If the Mutual Finance Assistance Fund is insufficient to make all payments to all applicants in

the amounts provided in section 35-1206, the State Treasurer shall prorate payments to approved applicants. Funds remaining in the Mutual Finance Assistance Fund on June 1 shall be transferred to the General Fund before July 1.

(4) No funds shall be disbursed to an eligible mutual finance organization until it has provided to the State Treasurer the financial information regarding the manner in which it has expended or distributed prior disbursements made pursuant to the Mutual Finance Assistance Act as provided in subsection (2) of this section.

Sec. 7. Original sections 15-201.02, 31-741, and 35-1207, Reissue Revised Statutes of Nebraska, and sections 18-2147, 19-4801, and 29-424, Revised Statutes Cumulative Supplement, 2004, are repealed.

2. On page 1, strike beginning with "the" in line 1 through line 5 and insert "political subdivisions; to amend sections 15-201.02, 31-741, and 35-1207, Reissue Revised Statutes of Nebraska, and sections 18-2147, 19-4801, and 29-424, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to installment contracts for purchases, redevelopment projects, issuance of citations for code violations, construction contracts, and mutual finance organizations; to harmonize provisions; and to repeal the original sections.".

LEGISLATIVE BILL 562. Placed on Select File as amended.
(E & R amendment, AM7176, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 647A. Placed on Select File.

(Signed) Michael Flood, Chairperson

SELECT FILE

LEGISLATIVE BILL 454. The Chambers pending amendment, FA548, found in this day's Journal to his pending amendment, AM1238, was renewed.

SENATOR BAKER PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 14 ayes, 8 nays, and 27 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 7:

Chambers	Kopplin	Mines	Wehrbein
Howard	Kruse	Schimek	

Voting in the negative, 10:

Erdman	Flood	Heidemann	Louden	Redfield
Fischer	Friend	Langemeier	Pedersen, Dw.	Smith

Present and not voting, 20:

Baker	Brown	Cunningham	Kremer	Raikes
Beutler	Byars	Engel	Pahls	Schrock
Bourne	Combs	Foley	Pederson, D.	Stuhr
Brashear	Cornett	Johnson	Price	Stuthman

Excused and not voting, 12:

Aguilar	Cudaback	Jensen	Preister
Burling	Hudkins	Landis	Synowiecki
Connealy	Janssen	McDonald	Thompson

The Chambers amendment lost with 7 ayes, 10 nays, 20 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to his pending amendment:
FA549

Amendment to AM1238

P. 1, line 5 after "war" insert "which shall have been formally declared by the Congress of the United States".

Pending.

AMENDMENTS - Print in Journal

Senator Jensen filed the following amendment to LB 994:
(Amendment, AM2598, is printed separately and available in the Bill Room, Room 1104.)

Senator Beutler filed the following amendment to LB 962:
FA551
Strike Section 2.

VISITORS

Visitors to the Chamber were Aubrielle Gingery and Brittany Bukovac from Lincoln; Kenneth R. Smoot and John W. Allen from Kearney; Adam S. Muckler from Omaha; Kelsey Rozmiarek from Lincoln; Lisa Renstrom and Betty Anderson from Omaha; fifth-grade students and teacher from Everett School, Lincoln; members of the Yakudo Dance Company from Japan; students and parents from Norfolk Catholic School, Norfolk; and Chris, JaDie, McKenzie, and Logan Kallhoff from Pierce.

The Doctor of the Day was Dr. James Blomgren from Lincoln.

ADJOURNMENT

At 4:32 p.m., on a motion by Senator Raikes, the Legislature adjourned until 9:00 a.m., Friday, March 10, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-FIRST DAY - MARCH 10, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 10, 2006

PRAYER

The prayer was offered by Senator Langemeier.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Aguilar who was excused; and Senators Cunningham, Howard, Landis, Dw. Pedersen, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fortieth day was approved.

REPORT

The following report was received by the Legislature:

Auditor of Public Accounts
Statewide Single Audit for year ended June 30, 2005

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 9, 2006, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Cutshall & Associates
Conservation Voters, Nebraska League of

Hansen, Stephen
Todd Kaufman

Kissel/Erickson & Sederstrom Associates, LLC
Families for Effective Autism Treatment (FEAT) (Withdrawn 03/07/2006)

Plucker, Julia
Coast Casinos, Inc. (Withdrawn 03/09/2006)
Kelley & Lehan, PC

SELECT FILE

LEGISLATIVE BILL 454. Senator Chambers renewed his pending amendment, FA549, found on page 967, to his pending amendment, AM1238, found on page 1218, First Session, 2005, and considered on page 961.

SPEAKER BRASHEAR PRESIDING

Senator Combs offered the following motion:
Invoke cloture on LB 454, pursuant to Rule 7, Section 10.

Senator Combs moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Combs requested a roll call vote, in reverse order, on her motion to invoke cloture.

Voting in the affirmative, 33:

Baker	Cornett	Foley	Kremer	Schrock
Beutler	Cudaback	Friend	Langemeier	Smith
Bourne	Cunningham	Heidemann	Louden	Stuhr
Burling	Engel	Hudkins	McDonald	Synowiecki
Byars	Erdman	Janssen	Pahls	Wehrbein
Combs	Fischer	Jensen	Pedersen, Dw.	
Connealy	Flood	Kopplin	Redfield	

Voting in the negative, 9:

Brown	Johnson	Price	Schimek	Thompson
Chambers	Mines	Raikes	Stuthman	

Present and not voting, 3:

Brashear	Kruse	Pederson, D.

Excused and not voting, 4:

Aguilar	Howard	Landis	Preister

The Combs motion to invoke cloture prevailed with 33 ayes, 9 nays, 3 present and not voting, and 4 excused and not voting.

The Chambers amendment, FA549, lost with 1 aye, 22 nays, 22 present and not voting, and 4 excused and not voting.

The Chambers amendment, AM1238, lost with 1 aye, 22 nays, 22 present and not voting, and 4 excused and not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 31:

Baker	Cornett	Friend	Louden	Stuhr
Bourne	Cunningham	Heidemann	McDonald	Synowiecki
Brashear	Engel	Hudkins	Pahls	Wehrbein
Burling	Erdman	Janssen	Pedersen, Dw.	
Byars	Fischer	Jensen	Redfield	
Combs	Flood	Kremer	Schrock	
Connealy	Foley	Langemeier	Smith	

Voting in the negative, 9:

Beutler	Chambers	Mines	Raikes	Thompson
Brown	Johnson	Price	Schimek	

Present and not voting, 5:

Cudaback	Kopplin	Kruse	Pederson, D.	Stuthman

Excused and not voting, 4:

Aguilar	Howard	Landis	Preister

Advanced to E & R for engrossment with 31 ayes, 9 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 454A. E & R amendment, AM7160, found on page 611, was adopted.

SENATOR CUDABACK PRESIDING

Senator Combs withdrew her pending amendments, AM1867 and AM2471, found on pages 324 and 906.

Senator Chambers offered the following motion:
Indefinitely postpone LB 454A.

Senator Chambers moved for a call of the house. The motion prevailed with 21 ayes, 2 nays, and 26 not voting.

The Chambers motion to indefinitely postpone failed with 4 ayes, 30 nays, 11 present and not voting, and 4 excused and not voting.

SPEAKER BRASHEAR PRESIDING

Senator Combs offered the following motion:
Invoke cloture on LB 454A, pursuant to Rule 7, Section 10.

Senator Combs requested a roll call vote, in reverse order, on her motion to invoke cloture.

Voting in the affirmative, 36:

Baker	Cornett	Friend	Langemeier	Smith
Beutler	Cudaback	Heidemann	Louden	Stuhr
Bourne	Cunningham	Howard	McDonald	Synowiecki
Brashear	Engel	Hudkins	Pahls	Wehrbein
Burling	Erdman	Janssen	Pedersen, Dw.	
Byars	Fischer	Kopplin	Pederson, D.	
Combs	Flood	Kremer	Redfield	
Connealy	Foley	Kruse	Schrock	

Voting in the negative, 7:

Chambers	Mines	Raikes	Thompson
Johnson	Price	Schimek	

Present and not voting, 2:

Brown	Preister

Excused and not voting, 4:

Aguilar	Jensen	Landis	Stuthman

The Combs motion to invoke cloture prevailed with 36 ayes, 7 nays, 2 present and not voting, and 4 excused and not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 32:

Baker	Cunningham	Heidemann	McDonald	Smith
Bourne	Engel	Hudkins	Pahls	Stuhr
Brashear	Erdman	Janssen	Pedersen, Dw.	Synowiecki
Burling	Fischer	Kremer	Pederson, D.	Wehrbein
Byars	Flood	Kruse	Raikes	
Combs	Foley	Langemeier	Redfield	
Cornett	Friend	Louden	Schrock	

Voting in the negative, 6:

Chambers	Mines	Schimek
Howard	Price	Thompson

Present and not voting, 7:

Beutler	Connealy	Johnson	Preister
Brown	Cudaback	Kopplin	

Excused and not voting, 4:

Aguilar	Jensen	Landis	Stuthman

Advanced to E & R for engrossment with 32 ayes, 6 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

SENATOR CUDABACK PRESIDING

RESOLUTION

LEGISLATIVE RESOLUTION 303. Introduced by Bourne, 8.

PURPOSE: The purpose of this study is to review issues relating to the salary structure of the Commission of Industrial Relations. Current law, section 48-806, provides the following compensation to judges of the commission:

"As soon as such compensation may be legally paid under the Constitution of Nebraska, the compensation of judges of the Commission of Industrial Relations shall be two hundred fifty dollars per day for each day's time actually engaged in the performance of the duties of their office. Each judge shall also be paid his or her necessary traveling expenses incurred while away from his or her place of residence upon business of the commission in accordance with sections 81-1174 to 81-1177."

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 57.

(Signed) Michael Flood, Chairperson

AMENDMENTS - Print in Journal

Senator Schrock filed the following amendment to LB 933A:
AM2634

1. Insert the following new section:

Sec. 2. There is hereby appropriated (1) $5,000,000 from the General Fund for FY2006-07 and (2) $5,000,000 from the General Fund for FY2007-08 to the Department of Environmental Quality, for Program 513, to aid in carrying out the provisions of Legislative Bill 933, Ninety-ninth Legislature, Second Session, 2006.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $38,115 for FY2006-07 or $38,115 for FY2007-08.

There is included in the appropriation to this program for FY2006-07 $4,912,854 General Funds for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2007-08 $4,917,854 General Funds for state aid, which shall only be used for such purpose.

Senator Beutler filed the following amendment to LB 1226:
AM2659

(Amendments to Standing Committee amendments, AM2578)

1. Insert the following section:

Sec. 20. (1) Whenever the Department of Natural Resources determines that the state is out of compliance with an interstate compact or decree, the department may institute temporary controls identified in sections 46-716 and 46-739 in areas subject to such interstate compact or decree, on an emergency basis without enactment of rules or regulations, for purposes of gaining compliance with the terms of the interstate compact or decree. Exercise of such powers by the department shall be followed by rulemaking to authorize the permanent use of such power within no more than one year following the determination of noncompliance pursuant to this section.

(2) The department shall provide prompt notice of its determination of noncompliance and of the temporary controls instituted by the department to all licensed water well contractors in the state and to each natural resources district that encompasses any of the area subject to the interstate compact or decree. Such notice to natural resources districts shall be by certified mail. The notice shall be addressed to the manager of the natural resources district or the manager's designee and shall include the signature of the director of the department. Beginning ten days after the mailing of the notice to the natural resources district, the natural resources district shall be suspended from exercising powers relating to ground water quantity use pursuant to subdivisions (1)(a), (b), (c), (d), (e), (f), (k), and (m) and subsections (5) and (6) of section 46-739.

(3) The department shall also notify the public of the determination of noncompliance and of the temporary controls instituted by the department. Such notice to the public shall be provided by publication once each week for three consecutive weeks in at least one newspaper of statewide circulation and in such other newspaper or newspapers of general circulation in the area subject to the interstate compact or decree as are deemed appropriate by the department.

2. On page 39, line 21, strike "section 20" and insert "sections 20 and 21".

3. Renumber the remaining sections and correct internal references accordingly and amend the operative date provisions so that this section becomes operative three calendar months after adjournment of this legislative session.

SELECT FILE

LEGISLATIVE BILL 1175. E & R amendment, AM7177, found on page 962, was adopted.

Senator Friend renewed his pending amendment, AM2654, found on page 961.

Senator Friend moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

The Friend amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
Reconsider the vote taken on AM2654.

Senator Chambers moved for a call of the house. The motion prevailed with

18 ayes, 1 nay, and 30 not voting.

The Chambers motion to reconsider failed with 5 ayes, 30 nays, 7 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENTS - Print in Journal

Senator Baker filed the following amendment to LB 1069:
AM2585

1. Strike original section 4 and all amendments thereto and insert the following new sections:

Section 1. Section 75-109.01, Reissue Revised Statutes of Nebraska, is amended to read:

75-109.01 Except as otherwise specifically provided by law, the Public Service Commission shall have jurisdiction, as prescribed, over the following subjects:

(1) Common carriers, generally, pursuant to sections 75-101 to 75-158;

(2) Grain pursuant to the Grain Dealer Act and the Grain Warehouse Act and sections 89-1,104 to 89-1,108;

(3) Manufactured homes and recreational vehicles pursuant to the Uniform Standard Code for Manufactured Homes and Recreational Vehicles;

(4) Modular housing units pursuant to the Nebraska Uniform Standards for Modular Housing Units Act;

(5) Motor carrier registration and safety pursuant to sections 75-301 to 75-322, 75-369.03, 75-370, and 75-371; ~~, 75-383, and 75-384;~~

(6) Pipeline carriers and rights-of-way pursuant to sections 57-1301 to 57-1307 and 75-501 to 75-503;

(7) Railroad carrier safety pursuant to sections 74-918, 74-919, 74-1323, and 75-401 to 75-430;

(8) Telecommunications carriers pursuant to the Automatic Dialing-Announcing Devices Act, the Emergency Telephone Communications Systems Act, the Enhanced Wireless 911 Services Act, the Intrastate Pay-Per-Call Regulation Act, the Nebraska Telecommunications Regulation Act, the Nebraska Telecommunications Universal Service Fund Act, the Telecommunications Relay System Act, the Telephone Consumer Slamming Prevention Act, and sections 86-574 to 86-580;

(9) Transmission lines and rights-of-way pursuant to sections 70-301 and 75-702 to 75-724;

(10) Water service pursuant to the Water Service Regulation Act; and

(11) Jurisdictional utilities governed by the State Natural Gas Regulation Act. If the provisions of Chapter 75 are inconsistent with the provisions of the State Natural Gas Regulation Act, the provisions of the State Natural Gas Regulation Act control.

Sec. 4. Section 75-370, Reissue Revised Statutes of Nebraska, is amended to read:

75-370 Enforcement of sections 75-307 to 75-307.03, and 75-309~~, 75-383, and 75-384~~ shall be carried out by the carrier enforcement division of the Nebraska State Patrol or the Nebraska State Patrol pursuant to the rules and regulations adopted and promulgated by the commission to enforce such sections. Any violation of such sections by any regulated motor carrier, motor carrier, or private carrier shall be referred to the commission for disposition under section 75-156, and the commission may take any other action provided by section 75-133.

Sec. 5. Section 75-371, Reissue Revised Statutes of Nebraska, is amended to read:

75-371 Any person, private carrier, common carrier, or contract carrier which operates any motor vehicle in violation of section 75-307, 75-307.01, 75-307.02, or 75-307.03~~, 75-383, or 75-384~~ or any rule, regulation, or order of the commission pertaining to any of such sections shall be guilty of a Class IV misdemeanor. Each day of such violation shall constitute a separate offense.

Sec. 6. Original sections 75-109.01, 75-302, 75-370, and 75-371, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 7. The following sections are outright repealed: Sections 75-383 and 75-384, Reissue Revised Statutes of Nebraska.

2. On page 2, line 14, strike "1" and insert "2".

3. Renumber the remaining sections accordingly.

Senator Beutler filed the following amendment to LB 529:
(Amendment, AM2643, is printed separately and available in the Bill Room, Room 1104.)

Senator Schrock filed the following amendment to LR 259CA:
AM2627

1. On page 2, line 17, strike "used" through "Act", show as stricken, and insert "distributed exclusively through competitive grants to public and private entities as determined by the Nebraska Environmental Trust Board for the purpose of conserving, enhancing, and restoring the natural physical and biological environment of Nebraska, transferred to the Nebraska Environmental Endowment Fund to be distributed exclusively through competitive grants to public and private entities as determined by the Nebraska Environmental Trust Board for the purpose of conserving, enhancing, and restoring the natural physical and biological environment of Nebraska, and used for related

administrative costs".

2. On page 4, line 8, before the period insert "and change provisions relating to the use of state lottery proceeds transferred to the Nebraska Environmental Trust Fund".

Senator Beutler filed the following amendments to LB 1226:

AM2670

(Amendments to Standing Committee amendments, AM2578)

1. Strike sections 19 and 20.

2. Amend the repealer and renumber the remaining sections accordingly.

AM2672

(Amendments to Standing Committee amendments, AM2578)

1. On page 39, line 27, after "Act" insert "and related to the management of interrelated water".

AM2671

(Amendments to Standing Committee amendments, AM2578)

1. On page 40, line 3, after the first "commission" insert "approved by the Director of Natural Resources".

AM2673

(Amendments to Standing Committee amendments, AM2578)

1. On page 40, line 12, after the period insert "No grants approved under this section shall be used for acquiring temporary conservation easements or to lease land for the purpose of reducing the number of acres being irrigated.".

Senators Baker, Landis, and Redfield filed the following amendment to LB 904:

AM2645

(Amendments to Standing Committee amendments, AM2576)

1. Insert the following new sections:

Sec. 2. Section 39-2510, Reissue Revised Statutes of Nebraska, is amended to read:

39-2510 (1) No money derived from fees, excises, or license fees relating to registration, operation, or use of vehicles on the public highways, or to fuels used for the propulsion of such vehicles, shall be expended for other than cost of administering laws under which such money is derived, statutory refunds and adjustments provided therein, payment of highway obligations, cost of construction, reconstruction, maintenance, and repair of public highways and bridges and county, city, township, and village roads, streets, and bridges, and all facilities, appurtenances, and structures deemed necessary ~~or desirable~~ in connection with such highways, bridges, roads, and streets, except that the provisions of this ~~section~~ subsection shall not apply to money derived from the motor vehicle operators' license fees or

money received from parking meter proceeds, fines, and penalties.

(2) The provisions of subsection (1) of this section apply to:

(a) One-third of the money derived from sales and use taxes imposed upon motor vehicles, trailers, and semitrailers pursuant to sections 13-319 and 77-27,142 commencing October 1, 2006;

(b) Two-thirds of the money derived from sales and use taxes imposed upon motor vehicles, trailers, and semitrailers pursuant to sections 13-319 and 77-27,142 commencing October 1, 2007; and

(c) All of the money derived from sales and use taxes imposed upon motor vehicles, trailers, and semitrailers pursuant to sections 13-319 and 77-27,142 commencing October 1, 2008.

Sec. 3. Section 39-2520, Reissue Revised Statutes of Nebraska, is amended to read:

39-2520 (1) No money derived from fees, excises, or license fees relating to registration, operation, or use of vehicles on the public highways, or to fuels used for the propulsion of such vehicles, shall be expended for other than cost of administering laws under which such money is derived, statutory refunds and adjustments provided therein, payment of highway obligations, cost of construction, reconstruction, maintenance, and repair of public highways and bridges and county, city, township, and village roads, streets, and bridges, ~~offstreet public parking owned by the municipality,~~ and all facilities, appurtenances, and structures deemed necessary ~~or desirable~~ in connection with such highways, bridges, roads, and streets, except that this ~~section~~ subsection shall not apply to money derived from the motor vehicle operators' license fees or money received from parking meter proceeds, fines, and penalties.

(2) The provisions of subsection (1) of this section apply to:

(a) One-third of the money derived from sales and use taxes imposed upon motor vehicles, trailers, and semitrailers pursuant to sections 13-319 and 77-27,142 commencing October 1, 2006;

(b) Two-thirds of the money derived from sales and use taxes imposed upon motor vehicles, trailers, and semitrailers pursuant to sections 13-319 and 77-27,142 commencing October 1, 2007; and

(c) All of the money derived from sales and use taxes imposed upon motor vehicles, trailers, and semitrailers pursuant to sections 13-319 and 77-27,142 commencing October 1, 2008.

2. On page 2, line 15, after "39-2401" insert ", 39-2510, 39-2520,".

3. Renumber the remaining sections accordingly.

Senator Beutler filed the following amendment to LB 1226:
AM2667

(Amendments to Standing Committee amendments, AM2578)

1. Insert the following new section:

Sec. 31. (1) The Director of Natural Resources shall establish and collect a contingency deposit as provided in this section. The contingency deposit shall be collected commencing in 2009.

(2)(a) The contingency deposit shall be collected on irrigated real property in natural resources districts that have land area subject to the provisions of an interstate water compact or decree for which the State of Nebraska is an upstream state on a per-acre basis and on municipal water service in such natural resources districts on a per-resident basis in amounts determined by the director under subsection (3) of this section.

(b) The contingency deposit collected on irrigated real property shall be included by the county on the property tax statement provided for in section 77-1701. County assessors and county treasurers shall provide access to property information and assistance to the Department of Natural Resources for purposes of calculating and collecting the contingency deposit. The department shall provide each county with land subject to the contingency deposit the information necessary to include the contingency deposits on property tax statements by October 15. County treasurers shall remit the amounts collected by December 31, less a three-percent collection fee, to the State Treasurer for credit to the Republican River Compact Contingency Deposit Fund. County treasurers shall have no obligation to take any legal action to enforce collection. Such action may be brought by or on behalf of the department. Each county treasurer shall annually provide the department a list of the amounts uncollected along with the names and addresses of those property owners. The county shall not be liable for such uncollected amounts. The contingency deposit shall be due on March 1 of the year following imposition and delinquent on September 1 of such year. Delinquent amounts shall have a penalty of twenty-five percent of the contingency deposit due added to the amount due when payment is made.

(c) The contingency deposit collected on municipal water service shall be based on the number of residents in the municipality according to the most recent federal decennial census. Municipalities shall remit the amounts to the State Treasurer for credit to the Republican River Compact Contingency Deposit Fund by December 31 of the year following imposition. A municipality may impose a surcharge for water service for this purpose.

(3) The Department of Natural Resources, after consultation with each natural resources district that has land area subject to the provisions of an interstate water compact or decree for which the State of Nebraska is an upstream state, shall establish criteria for determining whether the streamflow

depletions caused by withdrawal of ground water in such districts exceeds the amount of depletion that is permissible if the state is to remain in compliance with the interstate water compact or decree involved. Beginning in 2009, the department shall determine for such districts whether withdrawals in previous years from water wells located in the land area subject to the interstate water compact or decree caused streamflow depletions in the immediately preceding year that were in excess of the permissible amount of depletion for that district in that year. If those depletions exceeded that permissible amount, the department shall determine a dollar amount that the department concludes would likely be adequate to cover any damages for which the state could be held liable because of noncompliance with the interstate water compact or decree to the extent caused by such excess depletion. The department shall set the contingency deposit amounts to recover that dollar amount of damages. The contingency deposit per irrigated acre shall not exceed three dollars. In setting the contingency deposit amounts per irrigated acre and per municipal resident, the director shall estimate the total annual water use for irrigation and municipal purposes in natural resources districts that have land area subject to the provisions of an interstate water compact or decree for which the State of Nebraska is an upstream state and determine the portions of such total use for irrigation purposes and for municipal purposes. Each contingency deposit amount set by the director shall reflect those portions of total use so that the amounts collected on irrigated acres and from municipalities are approximately the same portions of the total use. If the contingency deposit amounts set at the maximum rates permitted in this section would not produce sufficient funds to pay the damage amount determined by the department, the contingency deposit amounts shall be set at the maximum rates. Natural resources districts that have land area subject to the provisions of an interstate water compact or decree for which the State of Nebraska is an upstream state shall provide information requested by the department for purposes of administration of the contingency deposits by May 1.

(4) The Republican River Compact Contingency Deposit Fund is created. The fund shall be used to make possible future payments to the State of Kansas for overuse of water pursuant to the Republican River Basin settlement and the Republican River Compact and for administrative costs of the Department of Natural Resources incurred under this section. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Investment earnings shall be credited to the fund.

(5) If the streamflow depletions caused by withdrawals from water wells in natural resources districts that have land area subject to the provisions of an interstate water compact or decree

for which the State of Nebraska is an upstream state in any given year are less than the permissible depletions for those districts, and if, in accordance with the provisions of the interstate water compact or decree involved, the streamflow depletions caused by such withdrawals in those districts for any multiyear period that is used to determine interstate water compact or decree compliance do not exceed the permissible depletions for those districts during that multiyear period, the department may credit contingency deposits already paid to future contingency deposits or may refund such amounts.

2. Correct the operative date section so that the section added by this amendment becomes operative on its effective date with the emergency clause.

3. Renumber the remaining sections and correct internal references accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Senator Beutler asked unanimous consent to add his name as cointroducer to LB 904. No objections. So ordered.

VISITORS

Visitors to the Chamber were 26 fifth-grade students and teacher from Clarmar Elementary, Fremont; Scot Blehm from Lincoln; Fritz Steinhoff from Harrington; Zach Cavalier from Wilber; Senator Cunningham's parents, Dean and Elda, from Wausa; Delores, Ralph, Jeanette, Meaghan, Bryan, and Christopher Bode from Raeville; Ada Robinson from Lincoln; Dave and Sharon Peters, and Senator Cunningham's brother, sister-in-law, and nephew, Gail, Suzanne, and Dalton Cunningham, from Bloomfield; John Abrahamson and Erin and Erica Sturgis from Holdredge; Kevin, Ryan, and Phillip Sandberg, Adam Ostdiek, Bryce Leavitt, and Michael Perez from Gering; and Senator Kremer's daughter, son-in-law, and grandchildren, Shauna, Gary, Grant, Bailey, and Brooklyn Moody, from Aurora.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Cunningham, the Legislature adjourned until 10:00 a.m., Monday, March 13, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-SECOND DAY - MARCH 13, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 13, 2006

PRAYER

The prayer was offered by Pastor Ron Elliot, Immanuel Medical Center, Bellevue.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Erdman and Johnson who were excused; and Senators Cornett, Landis, Dw. Pedersen, Raikes, and Thompson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-first day was approved.

MESSAGE FROM THE GOVERNOR

March 13, 2006

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 196, 409, 757e, 771, 787e, 789, 792e, 815, 823, 833, 860, 875e, 921, 941, 1008, 1008A, 1066, 1067, 1116e, and 1178 were received in my office on March 7, 2006.

I signed these bills and delivered them to the Secretary of State on March 13, 2006.

Sincerely,

(Signed) Dave Heineman
Governor

GENERAL FILE

LEGISLATIVE BILL 786. Title read. Considered.

The Standing Committee amendment, AM2533, found on page 859, was considered.

Senator Chambers offered the following amendment to the Standing Committee amendment:
FA552

Amendments to AM2533

P. 1, line 17 after "Malfeasance" insert "in office"; in line 22 after "Misfeasance" insert "in office"; p. 2, line 3 after "Nonfeasance" insert "in office".

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chambers amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

STANDING COMMITTEE REPORT
Business and Labor

LEGISLATIVE BILL 354. Placed on General File.

(Signed) Douglas Cunningham, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1086A. Introduced by Synowiecki, 7; Jensen, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1086, Ninety-ninth Legislature, Second Session, 2006; and to state intent.

RESOLUTION

LEGISLATIVE RESOLUTION 304. Introduced by Cornett, 45.

WHEREAS, the Bellevue East High School girls' basketball team won the Class A Girls' State High School Basketball Championship with a fifty-five to forty-five win over Lincoln Northeast High School; and

WHEREAS, the team snapped Northeast's forty-eight game win streak and finished the season with twenty-eight wins and two losses; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Bellevue East High School girls' basketball team be congratulated for their exemplary effort this season.

2. That a copy of this resolution be sent to Coach Scott Jensen and the Bellevue East High School girls' basketball team.

Laid over.

AMENDMENTS - Print in Journal

Senator Burling filed the following amendment to LB 915:
AM2690

(Amendments to Standing Committee amendments, AM2566)

1. Insert the following new sections:

Sec. 5. The Nebraska Commission on Law Enforcement and Criminal Justice shall award grants for methamphetamine abuse prevention and education programs on a competitive basis to local or private nonprofit agencies. Such agencies may apply for grants on forms developed and provided by the commission in cooperation with the Community Corrections Council. The application shall include, but not be limited to, the name of the local or private nonprofit agency, a description of the proposed program's services, target population, and location, the program's budget, an estimate of other funds available to fund the program, and such other information as the commission deems necessary. The commission may award grants to one or more applicants on the basis of criteria developed by the commission which shall include, but need not be limited to, need for seed funding and operational funding, research, ability to measure and quantify the results of the program, the program's potential for success, and such other criteria as the commission deems appropriate.

Sec. 6. It is the intent of the Legislature to appropriate two hundred thousand dollars from the General Fund for fiscal year 2006-07 to the Nebraska Commission on Law Enforcement and Criminal Justice to carry out section 5 of this act.

Sec. 7. Section 1, 2, 3, and 4 of this act become operative three calendar months after adjournment of this

legislative session. The other sections of this act become operative on their effective date.

Sec. 8. Since an emergency exists, this act takes effect when passed and approved according to law.

Senator Chambers filed the following amendment to LB 990:
FA575

P. 6, line 12 strike "under", and show as stricken, and insert "pursuant to"; in line 20 strike "less", and show as stricken and insert "fewer"; page 8, line 15 strike "under", and show as stricken and insert "pursuant to".

Senator Chambers filed the following amendment to LB 990:
FA576

P. 2, line 14 after "management" insert "which is not required in order to come into compliance with any law, rule or regulation applicable to such operations".

Senator Chambers filed the following amendments to LB 904:
FA580

Amendment to AM2576

P. 1, in lines 9-11 strike new matter and reinstate original matter.

FA581

Amendment to AM2576

P. 1, line 5 strike "established" show as stricken and insert "created".

FA582

Amendment to AM2576

P. 1, line 8 strike beginning with "together" through "Fund" in line 9 and show as stricken.

FA583

Amendment to AM2576

P. 1, line 12 strike "pursuant to" show as stricken and insert "in accordance with".

FA584

Amendment to AM2576

P. 1, line 16 strike "to be" and show as stricken.

FA585

Amendment to AM2576

P. 1, line 17 strike "shall be" show as stricken and insert "is".

FA586

Amendment to AM2576

P. 1, line 19 strike "may" show as stricken and insert "shall".

FA587

Amendment to AM2576

P. 2, line 2 strike "under" show as stricken and insert "in accordance with".

FA588

Amendment to AM2576

P. 2, line 4 after "showing" insert "all".

FA589

Amendment to AM2576

P. 2, line 5 strike "the" show as stricken and insert "such".

FA590

Amendment to AM2576

P. 2, lines 4 and 5 strike "so" show as stricken.

Senator Aguilar filed the following amendment to LB 915:
AM2693

(Amendments to Standing Committee amendments, AM2566)

1. Insert the following sections:

Sec. 5. (1) When any person is convicted of an offense under the Uniform Controlled Substances Act involving the manufacture of a controlled substance, the court may order the person to make restitution to property owners for the costs incurred in the rehabilitation of the property where the clandestine drug lab used by the person to manufacture the controlled substance is located.

(2) For purposes of this section:

(a) Clandestine drug lab means any area where glassware, heating devices, or other equipment or precursors, solvents, or related articles or reagents are used to unlawfully manufacture methamphetamine; and

(b) Rehabilitate or rehabilitation means all actions necessary to ensure that contaminated property is safe for human habitation or use.

Sec. 6. Section 28-401.01, Revised Statutes Supplement, 2005, is amended to read:

28-401.01 Sections 28-401 to 28-456.01 and section 5 of this act shall be known and may be cited as the Uniform Controlled Substances Act.

Sec. 7. Original section 28-401.01, Revised Statutes Supplement, 2005, is repealed.

Senator Howard filed the following amendment to LB 57:
AM2665

(Amendments to Final Reading copy)

1. Insert the following new section:

Sec. 8. Section 43-2515, Reissue Revised Statutes of Nebraska, is amended to read:

43-2515 On or before October 1, 1993, and for each year thereafter, the Department of Health and Human Services Finance and Support and the State Department of Education shall jointly certify to the budget administrator of the budget division of the Department of Administrative Services the amount of federal medicaid funds paid to school districts pursuant to the Early Intervention Act for special education services for children five years of age and older. The General Fund appropriation to the State Department of Education for state special education aid shall be decreased by an amount equal to the amount that would have been reimbursed with state general funds to the school districts through the special education reimbursement process for special education services for children five years of age and older that was paid to school districts or approved cooperatives with federal medicaid funds.

It is the intent of the Legislature that an amount equal to the amount that would have been reimbursed with state general funds to the school districts, certified to the budget administrator, be appropriated from the General Fund to aid in carrying out the provisions of the Early Intervention Act and other related early intervention services.

It is the intent of the Legislature to appropriate, in addition to any and other amounts appropriated, five hundred thousand dollars from the General Fund to aid in carrying out the provisions of the Early Intervention Act and other related early intervention services.

2. On page 1, line 1; and page 4, line 1, strike "section" and insert "sections 43-2515 and".

3. On page 1, line 7, after the first semicolon insert "to state intent with respect to early intervention programs;".

4. Renumber the remaining sections accordingly.

Senator Beutler filed the following amendment to LB 1226:
AM2683

(Amendments to Standing Committee amendments, AM2578)

1. Insert the following new sections:

Sec. 30. (1) There shall be allowed a credit with respect to the income taxes imposed by the Nebraska Revenue Act of 1967 to a taxpayer who donates during the taxable year all or part of the value of a perpetual conservation easement upon real property the taxpayer owns to the state or to a charitable organization approved by the Department of Natural Resources which has the financial resources to indefinitely monitor and enforce the terms of the easement. The credit shall only be allowed for a donation that qualifies as a qualified conservation contribution pursuant to section 170(h) of the Internal Revenue Code of 1986, as amended. The amount of the credit shall not include the deduction for any portion of an easement on real property located in another state.

(2) To qualify for the income tax credit:

(a) The taxpayer shall file an application with the Department of Natural Resources. The department shall review the application and render a decision within sixty days. The department shall approve the application if the perpetual conservation easement meets the minimal requirements set forth in subdivision (2)(b) of this section and is located in an area designated as overappropriated pursuant to section 46-713 or determined to be fully appropriated pursuant to section 46-714.

(b) The perpetual conservation easement shall be in perpetuity and shall preclude any pumping of water except for (i) domestic purposes, (ii) stock well purposes, and (iii) restoration of wetlands. The easement may permit pumping of water during any period when the Department of Natural Resources determines there is not a water quantity shortage;

(c) The taxpayer shall file the approval of the perpetual conservation easement issued by the Department of Natural Resources with the return for the taxable year in which the income tax credit is claimed;

(d) The perpetual conservation easement shall be filed with the office of register of deeds of each county in which real property subject to the easement is located; and

(e) The holder of the perpetual conservation easement shall have a monitoring program to ensure that the terms of the easement are followed.

(3) The income tax credit shall be an amount equal to fifteen percent of the deduction taken by the taxpayer under section 170(h) of the Internal Revenue Code of 1986, as amended. If the conservation easement for which the deduction is taken covers land located in Nebraska and one or more other states, the amount of the deduction shall be apportioned by dividing the number of acres covered by the conservation easement that are located in Nebraska by the total number of acres covered by the conservation easement. In the case of a partnership, subchapter S corporation, or other similar pass-through entity that donates a perpetual conservation easement as an entity, the credit shall be allocated to the entity's partners, members, or shareholders in proportion to the partners', members', or shareholders' distributive shares of income from the entity.

(4) If the income tax credit exceeds the amount of income tax due on the income of the taxpayer for the taxable year, the amount of the income tax credit not used shall be refunded.

(5) No new applications may be accepted for tax credits under this section after December 31, 2012.

(6) On or before January 1, 2008, and each January 1 thereafter through January 1, 2015, the Department of Revenue shall issue a report to the Legislature and Governor detailing the use of income tax credits under this section. A portion of the report shall show easements and income tax credits by natural resources district. The Department of Natural Resources

shall assist the Department of Revenue with the report. The report shall be presented using aggregated information and other techniques so as not to reveal confidential information that allows identification of any taxpayer. The report shall not be issued until the Tax Commissioner has confirmed in writing that the report does not reveal any confidential information that allows identification of any taxpayer.

Sec. 31. Section 77-2701, Revised Statutes Supplement, 2005, is amended to read:

77-2701 Sections 77-2701 to 77-27,135.01, 77-27,222, and 77-27,228 to 77-27,234 and section 30 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967.

Sec. 32. Section 77-2715.07, Revised Statutes Supplement, 2005, is amended to read:

77-2715.07 (1) There shall be allowed to qualified resident individuals as a nonrefundable credit against the income tax imposed by the Nebraska Revenue Act of 1967:

(a) A credit equal to the federal credit allowed under section 22 of the Internal Revenue Code; and

(b) A credit for taxes paid to another state as provided in section 77-2730.

(2) There shall be allowed to qualified resident individuals against the income tax imposed by the Nebraska Revenue Act of 1967:

(a) For returns filed reporting federal adjusted gross incomes of greater than twenty-nine thousand dollars, a nonrefundable credit equal to twenty-five percent of the federal credit allowed under section 21 of the Internal Revenue Code of 1986, as amended;

(b) For returns filed reporting federal adjusted gross income of twenty-nine thousand dollars or less, a refundable credit equal to a percentage of the federal credit allowable under section 21 of the Internal Revenue Code of 1986, as amended, whether or not the federal credit was limited by the federal tax liability. The percentage of the federal credit shall be one hundred percent for incomes not greater than twenty-two thousand dollars, and the percentage shall be reduced by ten percent for each one thousand dollars, or fraction thereof, by which the reported federal adjusted gross income exceeds twenty-two thousand dollars;

(c) A refundable credit for individuals who qualify for an income tax credit under the Beginning Farmer Tax Credit Act for all taxable years beginning or deemed to begin on or after January 1, 2001, under the Internal Revenue Code of 1986, as amended; and

(d) A refundable credit for individuals who qualify for an income tax credit under the Nebraska Advantage Microenterprise Tax Credit Act or the Nebraska Advantage Research and Development Act.

(3) There shall be allowed to all individuals as a nonrefundable credit against the income tax imposed by the Nebraska

Revenue Act of 1967:

(a) A credit for personal exemptions allowed under section 77-2716.01; and

(b) A credit for contributions to certified community betterment programs as provided in the Community Development Assistance Act. Each partner, each shareholder of an electing subchapter S corporation, each beneficiary of an estate or trust, or each member of a limited liability company shall report his or her share of the credit in the same manner and proportion as he or she reports the partnership, subchapter S corporation, estate, trust, or limited liability company income.

(4) There shall be allowed as a credit against the income tax imposed by the Nebraska Revenue Act of 1967:

(a) A credit to all resident estates and trusts for taxes paid to another state as provided in section 77-2730; and

(b) A credit to all estates and trusts for contributions to certified community betterment programs as provided in the Community Development Assistance Act.

(5) There shall be allowed to all business firms as a credit against the income tax imposed by the Nebraska Revenue Act of 1967 a credit as provided in section 77-27,222.

(6) There shall be allowed as a refundable credit against the income tax imposed by the Nebraska Revenue Act of 1967 a credit as provided in section 30 of this act.

Sec. 33. Section 77-2717, Revised Statutes Supplement, 2005, is amended to read:

77-2717 (1)(a) The tax imposed on all resident estates and trusts shall be a percentage of the federal taxable income of such estates and trusts as modified in section 77-2716, plus a percentage of the federal alternative minimum tax and the federal tax on premature or lump-sum distributions from qualified retirement plans. The additional taxes shall be recomputed by (i) substituting Nebraska taxable income for federal taxable income, (ii) calculating what the federal alternative minimum tax would be on Nebraska taxable income and adjusting such calculations for any items which are reflected differently in the determination of federal taxable income, and (iii) applying Nebraska rates to the result. The federal credit for prior year minimum tax, after the recomputations required by the Nebraska Revenue Act of 1967, and the credits provided in the Nebraska Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research and Development Act, and section 77-27,222 and section 30 of this act shall be allowed as a reduction in the income tax due. A refundable income tax credit shall be allowed for all resident estates and trusts under the Nebraska Advantage Microenterprise Tax Credit Act and the Nebraska Advantage Research and Development Act.

(b) The tax imposed on all nonresident estates and trusts shall be the portion of the tax imposed on resident estates and trusts which is attributable to the income derived from sources

within this state. The tax which is attributable to income derived from sources within this state shall be determined by multiplying the liability to this state for a resident estate or trust with the same total income by a fraction, the numerator of which is the nonresident estate's or trust's Nebraska income as determined by sections 77-2724 and 77-2725 and the denominator of which is its total federal income after first adjusting each by the amounts provided in section 77-2716.

(2) In all instances wherein a fiduciary income tax return is required under the provisions of the Internal Revenue Code, a Nebraska fiduciary return shall be filed, except that a fiduciary return shall not be required to be filed regarding a simple trust if all of the trust's beneficiaries are residents of the State of Nebraska, all of the trust's income is derived from sources in this state, and the trust has no federal tax liability. The fiduciary shall be responsible for making the return for the estate or trust for which he or she acts, whether the income be taxable to the estate or trust or to the beneficiaries thereof. The fiduciary shall include in the return a statement of each beneficiary's distributive share of net income when such income is taxable to such beneficiaries.

(3) The beneficiaries of such estate or trust who are residents of this state shall include in their income their proportionate share of such estate's or trust's federal income and shall reduce their Nebraska tax liability by their proportionate share of the credits as provided in the Nebraska Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research and Development Act, and section 77-27,222 and section 30 of this act. There shall be allowed to a beneficiary a refundable income tax credit under the Beginning Farmer Tax Credit Act for all taxable years beginning or deemed to begin on or after January 1, 2001, under the Internal Revenue Code of 1986, as amended.

(4) If any beneficiary of such estate or trust is a nonresident during any part of the estate's or trust's taxable year, he or she shall file a Nebraska income tax return which shall include (a) in Nebraska adjusted gross income that portion of the estate's or trust's Nebraska income, as determined under sections 77-2724 and 77-2725, allocable to his or her interest in the estate or trust and (b) a reduction of the Nebraska tax liability by his or her proportionate share of the credits as provided in the Nebraska Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research and Development Act, and section 77-27,222 and section 30 of this act and shall execute and forward to the fiduciary, on or before the original due date of the Nebraska fiduciary return, an agreement which states that he or she will file a Nebraska income tax return and pay income tax on all income derived from or connected with sources in this state, and such agreement shall be attached to the Nebraska fiduciary return for such taxable year.

(5) In the absence of the nonresident beneficiary's executed agreement being attached to the Nebraska fiduciary return, the estate or trust shall remit a portion of such beneficiary's income which was derived from or attributable to Nebraska sources with its Nebraska return for the taxable year. The amount of remittance, in such instance, shall be the highest individual income tax rate determined under section 77-2715.02 multiplied by the nonresident beneficiary's share of the estate or trust income which was derived from or attributable to sources within this state. The amount remitted shall be allowed as a credit against the Nebraska income tax liability of the beneficiary.

(6) The Tax Commissioner may allow a nonresident beneficiary to not file a Nebraska income tax return if the nonresident beneficiary's only source of Nebraska income was his or her share of the estate's or trust's income which was derived from or attributable to sources within this state, the nonresident did not file an agreement to file a Nebraska income tax return, and the estate or trust has remitted the amount required by subsection (5) of this section on behalf of such nonresident beneficiary. The amount remitted shall be retained in satisfaction of the Nebraska income tax liability of the nonresident beneficiary.

(7) For purposes of this section, unless the context otherwise requires, simple trust shall mean any trust instrument which (a) requires that all income shall be distributed currently to the beneficiaries, (b) does not allow amounts to be paid, permanently set aside, or used in the tax year for charitable purposes, and (c) does not distribute amounts allocated in the corpus of the trust. Any trust which does not qualify as a simple trust shall be deemed a complex trust.

Sec. 34. Section 77-2734.03, Revised Statutes Supplement, 2005, is amended to read:

77-2734.03 (1)(a) For taxable years commencing prior to January 1, 1997, any (i) insurer paying a tax on premiums and assessments pursuant to section 77-908 or 81-523, (ii) electric cooperative organized under the Joint Public Power Authority Act, or (iii) credit union shall be credited, in the computation of the tax due under the Nebraska Revenue Act of 1967, with the amount paid during the taxable year as taxes on such premiums and assessments and taxes in lieu of intangible tax.

(b) For taxable years commencing on or after January 1, 1997, any insurer paying a tax on premiums and assessments pursuant to section 77-908 or 81-523, any electric cooperative organized under the Joint Public Power Authority Act, or any credit union shall be credited, in the computation of the tax due under the Nebraska Revenue Act of 1967, with the amount paid during the taxable year as (i) taxes on such premiums and assessments included as Nebraska premiums and assessments under section 77-2734.05 and (ii) taxes in lieu of intangible tax.

(c) For taxable years commencing or deemed to commence

prior to, on, or after January 1, 1998, any insurer paying a tax on premiums and assessments pursuant to section 77-908 or 81-523 shall be credited, in the computation of the tax due under the Nebraska Revenue Act of 1967, with the amount paid during the taxable year as assessments allowed as an offset against premium and related retaliatory tax liability pursuant to section 44-4233.

(2) There shall be allowed to corporate taxpayers a tax credit for contributions to community betterment programs as provided in the Community Development Assistance Act.

(3) There shall be allowed to corporate taxpayers a refundable income tax credit under the Beginning Farmer Tax Credit Act for all taxable years beginning or deemed to begin on or after January 1, 2001, under the Internal Revenue Code of 1986, as amended.

(4) There shall be allowed to corporate taxpayers a tax credit as provided in section 77-27,222.

(5) The changes made to this section by Laws 2004, LB 983, apply to motor fuels purchased during any tax year ending or deemed to end on or after January 1, 2005, under the Internal Revenue Code of 1986, as amended.

(6) There shall be allowed to corporate taxpayers refundable income tax credits under the Nebraska Advantage Microenterprise Tax Credit Act and the Nebraska Advantage Research and Development Act.

(7) There shall be allowed to corporate taxpayers as a refundable credit against the income tax imposed by the Nebraska Revenue Act of 1967 a credit as provided in section 30 of this act.

Sec. 38. Original sections 77-2701, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Supplement, 2005, are repealed.

2. Correct the operative date section so that the sections added by this amendment become operative for all taxable years beginning or deemed to begin on or after January 1, 2006, under the Internal Revenue Code of 1986, as amended.

Senator Beutler filed the following amendment to LB 933:
AM2682

(Amendments to Standing Committee amendments, AM1915)

1. Insert the following new sections:

Sec. 21. (1) There shall be allowed a credit with respect to the income taxes imposed by the Nebraska Revenue Act of 1967 to a taxpayer who donates during the taxable year all or part of the value of a perpetual conservation easement upon real property the taxpayer owns to the state or to a charitable organization approved by the Department of Natural Resources which has the financial resources to indefinitely monitor and enforce the terms of the easement. The credit shall only be allowed for a donation that qualifies as a qualified conservation contribution pursuant to section 170(h) of the Internal Revenue Code of 1986, as amended. The amount of the credit shall not include the deduction for any

portion of an easement on real property located in another state.

(2) To qualify for the income tax credit:

(a) The taxpayer shall file an application with the Department of Natural Resources. The department shall review the application and render a decision within sixty days. The department shall approve the application if the perpetual conservation easement meets the minimal requirements set forth in subdivision (2)(b) of this section and is located in an area designated as overappropriated pursuant to section 46-713 or determined to be fully appropriated pursuant to section 46-714.

(b) The perpetual conservation easement shall be in perpetuity and shall preclude any pumping of water except for (i) domestic purposes, (ii) stock well purposes, and (iii) restoration of wetlands. The easement may permit pumping of water during any period when the Department of Natural Resources determines there is not a water quantity shortage;

(c) The taxpayer shall file the approval of the perpetual conservation easement issued by the Department of Natural Resources with the return for the taxable year in which the income tax credit is claimed;

(d) The perpetual conservation easement shall be filed with the office of register of deeds of each county in which real property subject to the easement is located; and

(e) The holder of the perpetual conservation easement shall have a monitoring program to ensure that the terms of the easement are followed.

(3) The income tax credit shall be an amount equal to fifteen percent of the deduction taken by the taxpayer under section 170(h) of the Internal Revenue Code of 1986, as amended. If the conservation easement for which the deduction is taken covers land located in Nebraska and one or more other states, the amount of the deduction shall be apportioned by dividing the number of acres covered by the conservation easement that are located in Nebraska by the total number of acres covered by the conservation easement. In the case of a partnership, subchapter S corporation, or other similar pass-through entity that donates a perpetual conservation easement as an entity, the credit shall be allocated to the entity's partners, members, or shareholders in proportion to the partners', members', or shareholders' distributive shares of income from the entity.

(4) If the income tax credit exceeds the amount of income tax due on the income of the taxpayer for the taxable year, the amount of the income tax credit not used shall be refunded.

(5) No new applications may be accepted for tax credits under this section after December 31, 2012.

(6) On or before January 1, 2008, and each January 1 thereafter through January 1, 2015, the Department of Revenue shall issue a report to the Legislature and Governor detailing the use of income tax credits under this section. A portion

of the report shall show easements and income tax credits by natural resources district. The Department of Natural Resources shall assist the Department of Revenue with the report. The report shall be presented using aggregated information and other techniques so as not to reveal confidential information that allows identification of any taxpayer. The report shall not be issued until the Tax Commissioner has confirmed in writing that the report does not reveal any confidential information that allows identification of any taxpayer.

Sec. 22. Section 77-2701, Revised Statutes Supplement, 2005, is amended to read:

77-2701 Sections 77-2701 to 77-27,135.01, 77-27,222, and 77-27,228 to 77-27,234 and section 21 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967.

Sec. 23. Section 77-2715.07, Revised Statutes Supplement, 2005, is amended to read:

77-2715.07 (1) There shall be allowed to qualified resident individuals as a nonrefundable credit against the income tax imposed by the Nebraska Revenue Act of 1967:

(a) A credit equal to the federal credit allowed under section 22 of the Internal Revenue Code; and

(b) A credit for taxes paid to another state as provided in section 77-2730.

(2) There shall be allowed to qualified resident individuals against the income tax imposed by the Nebraska Revenue Act of 1967:

(a) For returns filed reporting federal adjusted gross incomes of greater than twenty-nine thousand dollars, a nonrefundable credit equal to twenty-five percent of the federal credit allowed under section 21 of the Internal Revenue Code of 1986, as amended;

(b) For returns filed reporting federal adjusted gross income of twenty-nine thousand dollars or less, a refundable credit equal to a percentage of the federal credit allowable under section 21 of the Internal Revenue Code of 1986, as amended, whether or not the federal credit was limited by the federal tax liability. The percentage of the federal credit shall be one hundred percent for incomes not greater than twenty-two thousand dollars, and the percentage shall be reduced by ten percent for each one thousand dollars, or fraction thereof, by which the reported federal adjusted gross income exceeds twenty-two thousand dollars;

(c) A refundable credit for individuals who qualify for an income tax credit under the Beginning Farmer Tax Credit Act for all taxable years beginning or deemed to begin on or after January 1, 2001, under the Internal Revenue Code of 1986, as amended; and

(d) A refundable credit for individuals who qualify for an income tax credit under the Nebraska Advantage Microenterprise Tax Credit Act or the Nebraska Advantage Research and Development Act.

(3) There shall be allowed to all individuals as a nonrefundable credit against the income tax imposed by the Nebraska Revenue Act of 1967:

(a) A credit for personal exemptions allowed under section 77-2716.01; and

(b) A credit for contributions to certified community betterment programs as provided in the Community Development Assistance Act. Each partner, each shareholder of an electing subchapter S corporation, each beneficiary of an estate or trust, or each member of a limited liability company shall report his or her share of the credit in the same manner and proportion as he or she reports the partnership, subchapter S corporation, estate, trust, or limited liability company income.

(4) There shall be allowed as a credit against the income tax imposed by the Nebraska Revenue Act of 1967:

(a) A credit to all resident estates and trusts for taxes paid to another state as provided in section 77-2730; and

(b) A credit to all estates and trusts for contributions to certified community betterment programs as provided in the Community Development Assistance Act.

(5) There shall be allowed to all business firms as a credit against the income tax imposed by the Nebraska Revenue Act of 1967 a credit as provided in section 77-27,222.

(6) There shall be allowed as a refundable credit against the income tax imposed by the Nebraska Revenue Act of 1967 a credit as provided in section 21 of this act.

Sec. 24. Section 77-2717, Revised Statutes Supplement, 2005, is amended to read:

77-2717 (1)(a) The tax imposed on all resident estates and trusts shall be a percentage of the federal taxable income of such estates and trusts as modified in section 77-2716, plus a percentage of the federal alternative minimum tax and the federal tax on premature or lump-sum distributions from qualified retirement plans. The additional taxes shall be recomputed by (i) substituting Nebraska taxable income for federal taxable income, (ii) calculating what the federal alternative minimum tax would be on Nebraska taxable income and adjusting such calculations for any items which are reflected differently in the determination of federal taxable income, and (iii) applying Nebraska rates to the result. The federal credit for prior year minimum tax, after the recomputations required by the Nebraska Revenue Act of 1967, and the credits provided in the Nebraska Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research and Development Act, and section 77-27,222 and section 21 of this act shall be allowed as a reduction in the income tax due. A refundable income tax credit shall be allowed for all resident estates and trusts under the Nebraska Advantage Microenterprise Tax Credit Act and the Nebraska Advantage Research and Development Act.

(b) The tax imposed on all nonresident estates and trusts

shall be the portion of the tax imposed on resident estates and trusts which is attributable to the income derived from sources within this state. The tax which is attributable to income derived from sources within this state shall be determined by multiplying the liability to this state for a resident estate or trust with the same total income by a fraction, the numerator of which is the nonresident estate's or trust's Nebraska income as determined by sections 77-2724 and 77-2725 and the denominator of which is its total federal income after first adjusting each by the amounts provided in section 77-2716.

(2) In all instances wherein a fiduciary income tax return is required under the provisions of the Internal Revenue Code, a Nebraska fiduciary return shall be filed, except that a fiduciary return shall not be required to be filed regarding a simple trust if all of the trust's beneficiaries are residents of the State of Nebraska, all of the trust's income is derived from sources in this state, and the trust has no federal tax liability. The fiduciary shall be responsible for making the return for the estate or trust for which he or she acts, whether the income be taxable to the estate or trust or to the beneficiaries thereof. The fiduciary shall include in the return a statement of each beneficiary's distributive share of net income when such income is taxable to such beneficiaries.

(3) The beneficiaries of such estate or trust who are residents of this state shall include in their income their proportionate share of such estate's or trust's federal income and shall reduce their Nebraska tax liability by their proportionate share of the credits as provided in the Nebraska Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research and Development Act, and section 77-27,222 and section 21 of this act. There shall be allowed to a beneficiary a refundable income tax credit under the Beginning Farmer Tax Credit Act for all taxable years beginning or deemed to begin on or after January 1, 2001, under the Internal Revenue Code of 1986, as amended.

(4) If any beneficiary of such estate or trust is a nonresident during any part of the estate's or trust's taxable year, he or she shall file a Nebraska income tax return which shall include (a) in Nebraska adjusted gross income that portion of the estate's or trust's Nebraska income, as determined under sections 77-2724 and 77-2725, allocable to his or her interest in the estate or trust and (b) a reduction of the Nebraska tax liability by his or her proportionate share of the credits as provided in the Nebraska Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research and Development Act, and section 77-27,222 and section 21 of this act and shall execute and forward to the fiduciary, on or before the original due date of the Nebraska fiduciary return, an agreement which states that he or she will file a Nebraska income tax return and pay income tax on all income derived from or connected with sources in this state, and

such agreement shall be attached to the Nebraska fiduciary return for such taxable year.

(5) In the absence of the nonresident beneficiary's executed agreement being attached to the Nebraska fiduciary return, the estate or trust shall remit a portion of such beneficiary's income which was derived from or attributable to Nebraska sources with its Nebraska return for the taxable year. The amount of remittance, in such instance, shall be the highest individual income tax rate determined under section 77-2715.02 multiplied by the nonresident beneficiary's share of the estate or trust income which was derived from or attributable to sources within this state. The amount remitted shall be allowed as a credit against the Nebraska income tax liability of the beneficiary.

(6) The Tax Commissioner may allow a nonresident beneficiary to not file a Nebraska income tax return if the nonresident beneficiary's only source of Nebraska income was his or her share of the estate's or trust's income which was derived from or attributable to sources within this state, the nonresident did not file an agreement to file a Nebraska income tax return, and the estate or trust has remitted the amount required by subsection (5) of this section on behalf of such nonresident beneficiary. The amount remitted shall be retained in satisfaction of the Nebraska income tax liability of the nonresident beneficiary.

(7) For purposes of this section, unless the context otherwise requires, simple trust shall mean any trust instrument which (a) requires that all income shall be distributed currently to the beneficiaries, (b) does not allow amounts to be paid, permanently set aside, or used in the tax year for charitable purposes, and (c) does not distribute amounts allocated in the corpus of the trust. Any trust which does not qualify as a simple trust shall be deemed a complex trust.

Sec. 25. Section 77-2734.03, Revised Statutes Supplement, 2005, is amended to read:

77-2734.03 (1)(a) For taxable years commencing prior to January 1, 1997, any (i) insurer paying a tax on premiums and assessments pursuant to section 77-908 or 81-523, (ii) electric cooperative organized under the Joint Public Power Authority Act, or (iii) credit union shall be credited, in the computation of the tax due under the Nebraska Revenue Act of 1967, with the amount paid during the taxable year as taxes on such premiums and assessments and taxes in lieu of intangible tax.

(b) For taxable years commencing on or after January 1, 1997, any insurer paying a tax on premiums and assessments pursuant to section 77-908 or 81-523, any electric cooperative organized under the Joint Public Power Authority Act, or any credit union shall be credited, in the computation of the tax due under the Nebraska Revenue Act of 1967, with the amount paid during the taxable year as (i) taxes on such premiums and assessments included as Nebraska premiums and assessments under section 77-2734.05 and

(ii) taxes in lieu of intangible tax.

(c) For taxable years commencing or deemed to commence prior to, on, or after January 1, 1998, any insurer paying a tax on premiums and assessments pursuant to section 77-908 or 81-523 shall be credited, in the computation of the tax due under the Nebraska Revenue Act of 1967, with the amount paid during the taxable year as assessments allowed as an offset against premium and related retaliatory tax liability pursuant to section 44-4233.

(2) There shall be allowed to corporate taxpayers a tax credit for contributions to community betterment programs as provided in the Community Development Assistance Act.

(3) There shall be allowed to corporate taxpayers a refundable income tax credit under the Beginning Farmer Tax Credit Act for all taxable years beginning or deemed to begin on or after January 1, 2001, under the Internal Revenue Code of 1986, as amended.

(4) There shall be allowed to corporate taxpayers a tax credit as provided in section 77-27,222.

(5) The changes made to this section by Laws 2004, LB 983, apply to motor fuels purchased during any tax year ending or deemed to end on or after January 1, 2005, under the Internal Revenue Code of 1986, as amended.

(6) There shall be allowed to corporate taxpayers refundable income tax credits under the Nebraska Advantage Microenterprise Tax Credit Act and the Nebraska Advantage Research and Development Act.

(7) There shall be allowed to corporate taxpayers as a refundable credit against the income tax imposed by the Nebraska Revenue Act of 1967 a credit as provided in section 21 of this act.

Sec. 26. Sections 21, 22, 23, 24, 25, and 27 of this act become operative for all taxable years beginning or deemed to begin on or after January 1, 2006, under the Internal Revenue Code of 1986, as amended. The other sections of this act become operative on their effective date

Sec. 27. Original sections 77-2701, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Supplement, 2005, are repealed.

Senator Howard filed the following amendment to LB 994:
AM2663

(Amendments to E & R amendments, AM7178)

1. Insert the following new section:

Sec. 54. It is the intent of the Legislature to appropriate funds to the Department of Health and Human Services to provide for at least ten full-time social service workers for the department to implement the changes made to sections 68-1713 and 68-1721 by this legislative bill. It is the intent of the Legislature that such social service workers will be hired and trained by January 1, 2007.

2. Correct the operative date section so that the section

added by this amendment becomes operative on its effective date with the emergency clause.

3. Renumber the remaining sections accordingly.

Senator Landis filed the following amendment to LB 1060:
AM2686

(Amendments to Standing Committee amendments, AM2581)

PURPOSE: Add $86,084 General Funds for FY2006-07 for a School Safety Consultant.

AMENDMENT:

1. On page 12, line 14, strike "248,861" and insert "334,945"; in line 18 strike "306,948" and insert "393,032"; and in line 19 strike "98,479" and insert "149,233".

Senator Aguilar filed the following amendment to LB 915:
AM2691

(Amendments to Standing Committee amendments, AM2566)

1. On page 1, line 9, after "property" insert "or portion thereof".

2. On page 2, line 18, after "The" insert "local".

3. Strike beginning with "The" on page 2, line 25, through page 3, line 1.

4. On page 3, line 4, after "costs" insert "directly"; in line 5 strike ", and" and insert "as provided in rules and regulations of the department. A local public health department"; and in line 9 strike "use" and insert "commercial or other use in a timely manner".

Senators Synowiecki and Jensen filed the following amendment to LB 1086:
AM2429

1. On page 2, line 1, strike "Fund".

2. On page 3, lines 12 and 13, strike "create a fund and"; strike beginning with "Nebraska" in line 15 through "is" in line 19 and insert "Legislature shall appropriate funds"; and strike beginning with "Any" in line 21 through the period in line 24.

3. On page 4, lines 2 and 3, strike "from the Nebraska Prostitution Intervention and Treatment Fund"; in line 14 strike "and"; in line 16 after "activity" insert ";

(d) Evidence that the regional behavioral health authorities consulted with recognized neighborhood and business associations within close geographic proximity to concentrated areas of prostitution; and

(e) The amount of local subdivision treatment funding"; and strike lines 23 and 24.

4. On page 5, line 2, strike "this act" and insert "the Nebraska Prostitution Intervention and Treatment Act".

Senator Brown filed the following amendment to LB 968:
AM2668

(Amendments to Standing Committee amendments, AM2582)

1. Insert the following new section:

Sec. 2. Section 77-2704.15, Revised Statutes Cumulative Supplement, 2004, is amended to read:

77-2704.15 (1) Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of purchases by the state, including public educational institutions recognized or established under the provisions of Chapter 85, or by any county, township, city, village, rural or suburban fire protection district, city airport authority, county airport authority, joint airport authority, drainage district organized under sections 31-401 to 31-450, natural resources district, elected county fair board, housing agency as defined in section 71-1575, or joint entity or agency formed to fulfill the purposes described in the Integrated Solid Waste Management Act by any combination of two or more counties, townships, cities, or villages pursuant to the Interlocal Cooperation Act, the Integrated Solid Waste Management Act, or the Joint Public Agency Act, except for purchases for use in the business of furnishing gas, water, electricity, or heat, or by any irrigation or reclamation district, the irrigation division of any public power and irrigation district, or public schools established under Chapter 79.

(2) The appointment of purchasing agents shall be recognized for the purpose of altering the status of the construction contractor as the ultimate consumer of building materials which are physically annexed to the structure and which subsequently belong to the state or the governmental unit. The appointment of purchasing agents shall be in writing and occur prior to having any building materials annexed to real estate in the construction, improvement, or repair. The contractor who has been appointed as a purchasing agent may apply for a refund of or use as a credit against a future use tax liability the tax paid on inventory items annexed to real estate in the construction, improvement, or repair of a project for the state or a governmental unit.

(3) Any governmental unit listed in subsection (1) of this section, except the state, which enters into a contract of construction, improvement, or repair upon property annexed to real estate without first issuing a purchasing agent authorization to a contractor or repairperson prior to the building materials being annexed to real estate in the project may apply to the Tax Commissioner for a refund of any sales and use tax paid by the contractor or repairperson on the building materials physically annexed to real estate in the construction, improvement, or repair.

2. Correct the operative date section and repealer so that the section added by this amendment becomes operative on

October 1, 2006.

3. Renumber the remaining sections and correct internal references accordingly.

GENERAL FILE

LEGISLATIVE BILL 786. Senator Chambers offered the following amendment to the Standing Committee amendment:
FA553

Amendment to AM2533

P. 1, line 17 strike "willful" and insert "knowing and intentional".

The Chambers amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Senator Chambers offered the following amendment to the Standing Committee amendment:
FA554

Amendment to AM2533

P. 1, line 17 after "commission" insert "by a public official"; in line 19 strike "a" and insert "such"; in line 20 strike the first appearance of "the" and insert "such".

The Chambers amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Senator Chambers offered the following amendment to the Standing Committee amendment:
FA555

Amendment to AM2533

P. 1, lines 19 and 20 strike "which is outside the scope of the authority of the public official".

The Chambers amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 75, 248, 454, and 454A.

ER9082

Enrollment and Review Change to LB 75

The following changes, required to be reported for publication in the Journal, have been made:

1. The Chambers amendment, FA422, has been incorporated into the E & R amendments, AM7151, on page 1, line 14, and an underscored comma has been inserted after "law".

2. In the E & R amendments, AM7151, on page 2, line 5, "certain" has been inserted after "of"; and in line 16 "certain" has been inserted after "by".

ER9083

Enrollment and Review Change to LB 248

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Baker amendment, AM2527, sections 2 and 7 have been renumbered as sections 1 and 5, respectively.

2. In the E & R amendments, AM7153, on page 7, line 23, "This act becomes" has been struck and "Sections 2 and 4 of this act become" inserted and "The other sections of this act become operative on their effective date." has been inserted after the last period.

3. On page 1, the matter beginning with "revenue" in line 1 through line 4 and all amendments thereto have been struck and "motor vehicles; to amend sections 60-3,186 and 60-3,187, Revised Statutes Supplement, 2005; to change provisions relating to collection of motor vehicle fees and taxes; to change motor vehicle tax calculations as prescribed; to provide operative dates; and to repeal the original sections." inserted.

(Signed) Michael Flood, Chairperson

VISITORS

Visitors to the Chamber were 21 high-school students and teacher from Cedar Bluffs; El Seibert and Leron Peters from Omaha; Ted Thompson from Lincoln; 18 representatives of Guiding Star Girl Scouts from the panhandle area; 9 fourth-grade students and teacher from Cornerstone School, Bellevue; and 5 members of Delta Sigma Theta Sorority from Omaha.

RECESS

At 11:59 a.m., on a motion by Senator Kremer, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Erdman and Johnson who were excused; and Senators Engel, Landis, and Raikes who were excused until they arrive.

MOTION - Return LB 32 to Select File

Senator Chambers moved to return LB 32 to Select File for the following specific amendment:
FA577
P. 2, line 6 strike "of", and show as stricken; strike "such", and show as stricken, and insert "a".

The Chambers motion to return prevailed with 25 ayes, 3 nays, 16 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 32. The Chambers specific amendment, FA577, found in this day's Journal, was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 87 to Select File

Senator Chambers moved to return LB 87 to Select File for the following specific amendment:
FA578
P. 2, line 7 strike "equally", and show as stricken, and after "participate" insert "equally".

Senator Chambers withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 87.

A BILL FOR AN ACT relating to deaf and hard of hearing persons; to amend sections 71-4728 and 71-4728.05, Reissue Revised Statutes of Nebraska, and sections 20-150, 20-151, and 20-156, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to licensure of interpreters; to redefine terms; to change and provide powers and duties for the Commission for the Deaf and Hard of Hearing; to change membership provisions relating to the Interpreter Review Board; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Aguilar	Combs	Heidemann	McDonald	Schimek
Baker	Connealy	Howard	Mines	Schrock
Beutler	Cornett	Hudkins	Pahls	Smith
Bourne	Cudaback	Janssen	Pedersen, Dw.	Stuhr
Brashear	Cunningham	Jensen	Pederson, D.	Stuthman
Brown	Fischer	Kopplin	Preister	Synowiecki
Burling	Flood	Kremer	Price	Thompson
Byars	Foley	Langemeier	Raikes	Wehrbein
Chambers	Friend	Louden	Redfield	

Voting in the negative, 0.

Excused and not voting, 5:

Engel	Erdman	Johnson	Kruse	Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 87A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 87, Ninety-ninth Legislature, Second Session, 2006.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Aguilar	Combs	Heidemann	McDonald	Schimek
Baker	Connealy	Howard	Mines	Schrock
Beutler	Cornett	Hudkins	Pahls	Smith
Bourne	Cudaback	Janssen	Pedersen, Dw.	Stuhr
Brashear	Cunningham	Jensen	Pederson, D.	Stuthman
Brown	Fischer	Kopplin	Preister	Synowiecki
Burling	Flood	Kremer	Price	Thompson
Byars	Foley	Langemeier	Raikes	Wehrbein
Chambers	Friend	Louden	Redfield	

Voting in the negative, 0.

Excused and not voting, 5:

Engel Erdman Johnson Kruse Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 508 to Select File

Senator Chambers moved to return LB 508 to Select File for the following specific amendment:
FA579
Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 508 with 40 ayes, 1 nay, 3 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 508.

A BILL FOR AN ACT relating to water; to amend sections 46-286, 46-602, 46-602.01, 46-1208, 46-1217, 46-1233.01, 46-1238, 46-1239, 46-1404, and 46-1405, Reissue Revised Statutes of Nebraska, and section 81-2121, Revised Statutes Supplement, 2004; to define and redefine terms; to change provisions relating to registration, construction, opening, and decommissioning of water wells, breaking seals, and installation of pumps; to change membership provisions for the Water Well Standards and Contractors' Licensing Board; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Aguilar	Connealy	Howard	Mines	Schrock
Baker	Cornett	Hudkins	Pahls	Smith
Bourne	Cudaback	Janssen	Pedersen, Dw.	Stuhr
Brashear	Cunningham	Jensen	Pederson, D.	Stuthman
Brown	Fischer	Kopplin	Preister	Synowiecki
Burling	Flood	Kremer	Price	Thompson
Byars	Foley	Langemeier	Raikes	Wehrbein
Chambers	Friend	Louden	Redfield	
Combs	Heidemann	McDonald	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 5:

Engel	Erdman	Johnson	Kruse	Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 663 to Select File

Senator Chambers moved to return LB 663 to Select File for the following specific amendment:
FA603
Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 663 with 40 ayes, 2 nays, 2 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 663. With Emergency.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-101, 60-117, 60-139, 60-140, 60-142, 60-143, 60-144, 60-148, 60-149, 60-154, 60-159, 60-169, 60-193, 60-301, 60-333, 60-3,104, 60-3,130, 60-3,132, 60-3,133, and 60-3,175, Revised Statutes Supplement, 2005; to change and eliminate provisions relating to certificates of title, registration

certificates, and license plates for assembled, kit, and historical vehicles; to change provisions relating to certificates of title for mobile homes and manufactured homes; to change provisions relating to odometer statements; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Aguilar	Combs	Friend	Louden	Redfield
Baker	Connealy	Heidemann	McDonald	Schimek
Beutler	Cornett	Howard	Mines	Schrock
Bourne	Cudaback	Hudkins	Pahls	Smith
Brashear	Cunningham	Janssen	Pedersen, Dw.	Stuhr
Brown	Engel	Jensen	Pederson, D.	Stuthman
Burling	Fischer	Kopplin	Preister	Synowiecki
Byars	Flood	Kremer	Price	Thompson
Chambers	Foley	Langemeier	Raikes	Wehrbein

Voting in the negative, 0.

Excused and not voting, 4:

Erdman	Johnson	Kruse	Landis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 853 with 36 ayes, 2 nays, 7 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 853. With Emergency.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,139, 60-4,142, 60-601, 60-605, 60-6,144, 60-6,265, 60-6,267, 60-6,290, and 66-1406.02, Reissue Revised Statutes of Nebraska, and sections 60-311, 60-342, 60-3,183, 60-3,196, 60-3,205, 60-462, 60-462.01, 60-465, 60-4,124, and 60-4,147.02, Revised Statutes Supplement, 2005; to update references to the International Registration Plan and federal law; to provide powers and duties for the Director of Motor Vehicles with respect to the International Registration Plan and the International Fuel Tax

Agreement Act; to change provisions relating to registration and operation of commercial motor vehicles; to provide for impoundment of school permits; to change provisions relating to LPC-learners' permits; to authorize placement of road name signs by local authorities as prescribed; to change issuance provisions for permits for extraordinary use of controlled-access highways; to change provisions regarding the permissible length of certain vehicles; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Aguilar	Combs	Friend	Louden	Redfield
Baker	Connealy	Heidemann	McDonald	Schimek
Beutler	Cornett	Howard	Mines	Schrock
Bourne	Cudaback	Hudkins	Pahls	Smith
Brashear	Cunningham	Janssen	Pedersen, Dw.	Stuhr
Brown	Engel	Jensen	Pederson, D.	Stuthman
Burling	Fischer	Kopplin	Preister	Synowiecki
Byars	Flood	Kremer	Price	Thompson
Chambers	Foley	Langemeier	Raikes	Wehrbein

Voting in the negative, 0.

Excused and not voting, 4:

Erdman	Johnson	Kruse	Landis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 975 with 40 ayes, 3 nays, 2 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 975. With Emergency.

A BILL FOR AN ACT relating to pollution regulation; to amend sections 54-2416, 54-2417, 54-2418, 54-2419, 54-2422, 54-2423, 54-2424, 54-2425, 54-2426, 54-2428, 54-2431, 54-2432, 54-2433, 54-2435, and 81-1513, Reissue Revised Statutes of Nebraska, and section 54-2429, Revised Statutes Supplement, 2005; to change provisions of the Livestock Waste

Management Act; to change procedures for the granting of variances from the Department of Environmental Quality rules or regulations; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Aguilar	Combs	Friend	Louden	Redfield
Baker	Connealy	Heidemann	McDonald	Schimek
Beutler	Cornett	Howard	Mines	Schrock
Bourne	Cudaback	Hudkins	Pahls	Smith
Brashear	Cunningham	Janssen	Pedersen, Dw.	Stuhr
Brown	Engel	Jensen	Pederson, D.	Stuthman
Burling	Fischer	Kopplin	Preister	Synowiecki
Byars	Flood	Kremer	Price	Thompson
Chambers	Foley	Langemeier	Raikes	Wehrbein

Voting in the negative, 0.

Excused and not voting, 4:

Erdman	Johnson	Kruse	Landis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1115 with 40 ayes, 2 nays, 3 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1115. With Emergency.

A BILL FOR AN ACT relating to legal processes and reporting; to amend sections 25-214, 25-302, 25-307, 25-308, 25-316, 25-322, 25-325, 25-326, 25-329, 25-2009, 29-812, 29-814.01, 30-2603, 42-108, 42-116, 42-371.01, 43-247, 43-2,129, 43-1314, 44-3311, 71-507, 71-510, 84-915.01, and 84-917, Reissue Revised Statutes of Nebraska, sections 25-2720.01, 29-4202, 29-4203, 29-4204, 29-4205, 29-4206, 29-4207, 71-612, and 71-628, Revised Statutes Cumulative Supplement, 2004, and section 71-601.01, Revised Statutes Supplement, 2005; to adopt the Uniform Conflict of Laws Limitations Act; to change and eliminate provisions

relating to civil actions, courts, search warrants, audiovisual court appearances, payments to minors, marriage ceremonies, foster care placements, and reporting regarding lawyers; to provide for abstracts of marriage, reporting of exposure to infectious diseases, waiver of sovereign immunity, and agency records and modification of findings and decisions in contested administrative cases; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 25-215, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Aguilar	Combs	Friend	Louden	Redfield
Baker	Connealy	Heidemann	McDonald	Schimek
Beutler	Cornett	Howard	Mines	Schrock
Bourne	Cudaback	Hudkins	Pahls	Smith
Brashear	Cunningham	Janssen	Pedersen, Dw.	Stuhr
Brown	Engel	Jensen	Pederson, D.	Stuthman
Burling	Fischer	Kopplin	Preister	Synowiecki
Byars	Flood	Kremer	Price	Thompson
Chambers	Foley	Langemeier	Raikes	Wehrbein

Voting in the negative, 0.

Excused and not voting, 4:

Erdman	Johnson	Kruse	Landis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 647A. Advanced to E & R for engrossment.

AMENDMENT - Print in Journal

Senator Smith filed the following amendment to LB 1060:
AM2695
1 1. Strike the enacting clause.

RESOLUTION

LEGISLATIVE RESOLUTION 305. Introduced by Cunningham, 40.

WHEREAS, the Ewing Tigers boys' basketball team is the champion of the 2006 Class D-2 Boys' State Basketball Tournament; and

WHEREAS, the victory over the Spencer-Naper Pirates earned the Tigers their first Class D-2 championship; and

WHEREAS, the championship game finished off an impressive 25-2 season for the Tigers, having experienced their only losses to the second-ranked Spencer-Naper Pirates, making the championship game especially momentous; and

WHEREAS, throughout the year, the Ewing Tigers boys' basketball team has demonstrated that hard work, dedication, and discipline produces results; and

WHEREAS, such a team achievement is made possible not only by the players' performance and coaching guidance, but also through the support of parents, teachers, administrators, and the community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and congratulates the Ewing Tigers boys' basketball team and its coaches.

2. That a copy of this resolution be sent to the Ewing Tigers boys' basketball team head coach, Greg Appleby.

Laid over.

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 710. Placed on General File as amended.
Standing Committee amendment to LB 710:
AM2497

1. On page 2, line 5; and page 3, line 18, strike the new matter and insert "no less than six percent but no greater than seven".

2. On page 7, line 3, strike "July 1, 2005" and insert "October 1, 2007".

LEGISLATIVE BILL 1022. Indefinitely postponed.

(Signed) Elaine Stuhr, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1069. Title read. Considered.

The Standing Committee amendment, AM2307, found on page 675, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and

not voting.

Senator Baker renewed his pending amendment, AM2585, found on page 976.

The Baker amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1069A. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 962. Title read. Considered.

SENATOR SCHIMEK PRESIDING

Senator Beutler renewed his pending amendment, FA551, found on page 967.

The Beutler amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 26 ayes, 2 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 962A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 306. Introduced by Langemeier, 23.

WHEREAS, the David City Aquinas High School boys' basketball team won the Class C-2 Boys' State Basketball Championship with a sixty to fifty-five win over Ravenna High School; and

WHEREAS, the team won twenty-four of twenty-six games played this season; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the David City Aquinas High School boys' basketball team be congratulated for their exemplary effort this season.

2. That a copy of this resolution be sent to Coach Mark Watton and the David City Aquinas High School boys' basketball team.

Laid over.

LEGISLATIVE RESOLUTION 307. Introduced by Langemeier, 23.

PURPOSE: The purpose of this resolution is to study whether the insurance laws of this state should be amended in order to allow insurance producers to charge fees for services they perform, subject to regulation by the Department of Insurance. The study should include a review of the issues raised by LB 980, introduced by Senator Langemeier in 2006. In order to carry out the purpose of this resolution, the Banking, Commerce and Insurance Committee of the Legislature should seek and consider the input of the Department of Insurance and interested persons, including insurance producers and organizations which represent them, as the committee deems necessary and beneficial.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT - Print in Journal

Senator Friend filed the following amendment to LB 287:
AM2700

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. (1) The Legislature finds that families have a substantial interest in organizing and attending funerals for deceased relatives and that the rights of families to peacefully and privately mourn the loss of deceased relatives are violated when funerals are targeted for picketing or protest activities.

(2) The Legislature also recognizes individuals have a right to free speech and in the context of funeral ceremonies, the competing interests of picketers and funeral participants must be balanced. Therefore, the Legislature declares that the purposes of sections 1 to 3 of this act are to protect the privacy of grieving families and to preserve the peaceful character of cemeteries, mortuaries, churches, and other places of worship while still providing picketers and protestors the opportunity to communicate their message at a time and place that minimizes the interference with the rights of funeral participants.

Sec. 2. (1) Funeral means the ceremonies and memorial services held in connection with the burial or cremation of the dead but does not include funeral processions on public streets.

(2) Picketing means protest activities engaged in by a person or persons located within three hundred feet of a cemetery, mortuary, church, or other place of worship.

Sec. 3. (1) A person commits the offense of unlawful picketing of a funeral if he or she engages in picketing from one hour prior to through two hours following the commencement of a funeral.

(2) Unlawful picketing of a funeral is a Class III misdemeanor.

Sec. 4. Section 28-101, Revised Statutes Cumulative Supplement, 2004, is amended to read:

28-101 Sections 28-101 to 28-1350 and sections 1 to 3 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 5. Original section 28-101, Revised Statutes Cumulative Supplement, 2004, is repealed.

Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 1096. Placed on General File.

LEGISLATIVE BILL 914. Placed on General File as amended.
Standing Committee amendment to LB 914:
AM2675

1. Strike the original sections and insert the following new sections:

Section 1. (1) When any person is convicted of an offense under the Uniform Controlled Substances Act involving the manufacture of methamphetamine, the court may order the person to make restitution to property owners for the costs incurred in the rehabilitation of the property where the clandestine drug lab used by the person to manufacture the methamphetamine is located.

(2) For purposes of this section:

(a) Clandestine drug lab means any area where glassware, heating devices, or other equipment or precursors, solvents, or related articles or reagents are used to unlawfully manufacture methamphetamine; and

(b) Rehabilitate or rehabilitation means all actions necessary to ensure that contaminated property is safe for human habitation or use.

Sec. 2. Section 28-401.01, Revised Statutes Supplement, 2005, is amended to read:

28-401.01 Sections 28-401 to 28-456.01 and section 1 of

this act shall be known and may be cited as the Uniform Controlled Substances Act.

Sec. 3. Original section 28-401.01, Revised Statutes Supplement, 2005, is repealed.

LEGISLATIVE BILL 925. Placed on General File as amended. (Standing Committee amendment, AM2604, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Patrick J. Bourne, Chairperson

AMENDMENTS - Print in Journal

Senator D. Pederson filed the following amendment to LB 1060:
AM2699

(Amendments to Standing Committee amendments, AM2581)

1. Strike original section 169 and insert the following new sections:

Sec. 186. Laws 2005, LB 424, section 39, is amended to read:

Sec. 39. AGENCY NO. 65 -- DEPARTMENT OF ADMINISTRATIVE SERVICES

Program No. 901 - State Capitol Improvements

	FY2005-06	FY2006-07	FUTURE
~~STATE BUILDING FUND~~	~~750,000~~	~~500,000~~	~~2,000,000~~
~~PROGRAM TOTAL~~	~~750,000~~	~~500,000~~	~~2,000,000~~
STATE BUILDING FUND	600,000	500,000	2,000,000
PROGRAM TOTAL	600,000	500,000	2,000,000

(1) The State Capitol Administrator is hereby authorized to undertake projects identified within the Master Plan for the Conservation and Restoration of the Nebraska State Capitol. Such projects to be undertaken in FY2005-06 shall include a Capitol heating, ventilating, and air conditioning study as identified in the Master Plan. Prior to expending any amounts appropriated in this section, the State Capitol Administrator shall identify projects planned to be undertaken with such amounts and shall submit such plans to the Nebraska Capitol Commission for review. There is included in the appropriation to this program $500,000 for FY2005-06 and $500,000 for FY2006-07 from the State Building Fund for such purpose.

(2) In addition to amounts appropriated in this section for FY2005-06 and FY2006-07, it is intended that $500,000 be appropriated from the State Building Fund for this program for FY2007-08 and each fiscal year thereafter through FY2010-11 to undertake projects identified within the Master Plan for the Conservation and Restoration of the Nebraska State Capitol.

(3) Subject to provisions of subdivision (3) of section 81-1107, the Department of Administrative Services is hereby authorized to acquire property located within the Nebraska State

Capitol Environs District as such may become available. There is included in the appropriation to this program for FY2005-06 ~~$250,000~~ $100,000 from the State Building Fund for such purpose.

Sec. 226. Laws 2005, LB 425, section 241, is amended to read:

Sec. 241. AGENCY NO. 78 -- NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

Program No. 198 - Central Administration

	FY2005-06	FY2006-07
~~GENERAL FUND~~	~~507,503~~	~~533,532~~
~~CASH FUND~~	~~37,000~~	~~37,000~~
~~FEDERAL FUND est.~~	~~7,114,457~~	~~6,914,457~~
~~PROGRAM TOTAL~~	~~7,658,960~~	~~7,484,989~~
GENERAL FUND	508,359	997,399
CASH FUND	37,141	37,300
FEDERAL FUND est.	7,116,189	6,918,139
PROGRAM TOTAL	7,661,689	7,952,838
SALARY LIMIT	516,863	533,662

There is included in the appropriation to this program for FY2005-06 $13,457 General Funds and $6,570,000 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2006-07 $13,457 General Funds and $6,370,000 Federal Funds estimate for state aid, which shall only be used for such purpose.

There is included in the appropriation to this program for FY2006-07 $462,046 General Funds for state aid, which shall only be used for such purpose and shall be allocated by the Nebraska Commission on Law Enforcement and Criminal Justice to local law enforcement agencies for replacement of federal Byrne funds. The Nebraska Commission on Law Enforcement and Criminal Justice shall not award or distribute these funds unless the local grant applicants agree to provide a twenty-five percent local match for the $462,046 supplemental General Funds appropriated in this section.

There is included in the appropriation to this program for FY2005-06 $53,000 General Funds and $212,000 Federal Funds estimate from the federal Victims of Crime Act to operate a victim notification system, which shall only be used for such purpose. There is included in the appropriation to this program for FY2006-07 $53,000 General Funds and $212,000 Federal Funds estimate from the federal Victims of Crime Act to operate a victim notification system, which shall only be used for such purpose.

2. On page 121, line 7, strike "$1,500,000", show as stricken, and insert "$1,812,046".

3. On page 124, line 20, after "25," insert "39,"; and in line 24 after "240," insert "241,".

4. Renumber the remaining sections and correct internal references accordingly.

Senator Raikes filed the following amendment to LB 1208:
AM2688
(Amendments to Standing Committee amendments, AM2565)
1. On page 2, line 13, after the period insert "All telecommunications facilities operated or supervised by the commission shall not produce or be involved in the production of commercials and shall not be involved in the distribution or retransmission of national commercials and subscription television channels.".

Senator Langemeier filed the following amendment to LB 1060:
AM2676
(Amendments to Standing Committee amendments, AM2581)
1. On page 94, line 2, strike "$18,500,000" and insert "$26,500,000. The increased allocation limit for this program is intended to allow the consideration of additional project allocation requests, including, but not limited to, projects that may receive significant federal funding".

SELECT FILE

LEGISLATIVE BILL 1175. Senator Chambers offered the following motion:
Indefinitely postpone LB 1175.

Senator Chambers withdrew his motion.

Senator Chambers offered the following amendment:
FA605
Amendment to AM7177
Strike section 1.

SENATOR CUDABACK PRESIDING

Senator Chambers offered the following motion:
Recommit LB 1175 to Urban Affairs Committee.

Senator Chambers withdrew his motion.

Senator Chambers offered the following motion:
Bracket LB 1175 until April 7, 2006.

Pending.

SPEAKER BRASHEAR PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 87, 87A, 508, 663, 853, 975, and 1115.

AMENDMENTS - Print in Journal

Senator Aguilar filed the following amendment to LB 915:
AM2704

(Amendments to Standing Committee amendments, AM2566)

1. Insert the following sections:

Sec. 5. (1) When any person is convicted of an offense under the Uniform Controlled Substances Act involving the manufacture of methamphetamine, the court may order the person to make restitution to property owners for the costs incurred in the rehabilitation of the property where the clandestine drug lab used by the person to manufacture the methamphetamine is located.

(2) For purposes of this section:

(a) Clandestine drug lab has the same meaning as in section 1 of this act; and

(b) Rehabilitate or rehabilitation has the same meaning as in section 1 of this act.

Sec. 6. Section 28-401.01, Revised Statutes Supplement, 2005, is amended to read:

28-401.01 Sections 28-401 to 28-456.01 and section 5 of this act shall be known and may be cited as the Uniform Controlled Substances Act.

Sec. 7. Original section 28-401.01, Revised Statutes Supplement, 2005, is repealed.

Senator Connealy filed the following amendment to LB 1060:
AM2677

(Amendments to Standing Committee amendments, AM2581)

PURPOSE: Add $146,094 General Funds for FY2006-07 for an American Indian Coordinator and an American Indian Specialist.

AMENDMENT:

1. On page 12, line 14, strike "248,861" and insert "394,955"; in line 18 strike "306,948" and insert "453,042"; and in line 19 strike "98,479" and insert "196,665".

Senator Foley filed the following amendment to LB 1060:
AM2441

(Amendments to Standing Committee amendments, AM2581)

1. Insert the following new section:

Sec. 209. Laws 2005, LB 425, section 118, is amended to read:

Sec. 118. AGENCY NO. 26 -- DEPARTMENT OF HEALTH AND HUMAN SERVICES FINANCE AND SUPPORT

Program No. 514 - Health Aid

	FY2005-06	FY2006-07
GENERAL FUND	3,060,471	3,149,166
CASH FUND	8,394,821	8,645,531
FEDERAL FUND est.	34,152,057	34,687,255
PROGRAM TOTAL	45,607,349	46,481,952

There is included in the appropriation to this program for FY2005-06 $3,060,471 General Funds, $8,394,821 Cash Funds, and $34,152,057 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2006-07 $3,149,166 General Funds, $8,645,531 Cash Funds, and $34,687,255 Federal Funds estimate for state aid, which shall only be used for such purpose.

There is included in the appropriation to this program for FY2005-06 $200,000 Federal Funds from the Temporary Assistance for Needy Families bonus funding, for state aid, to fund home visitation programs provided by existing public health and nonprofit organizations in the state. There is included in the appropriation to this program for FY2006-07 $200,000 Federal Funds from the Temporary Assistance for Needy Families bonus funding, for state aid, to fund home visitation programs provided by existing public health and nonprofit organizations in the state.

There is included in the appropriation to this program $504,700 General Funds for FY2005-06 and $519,841 General Funds for FY2006-07, which shall only be used for the following purposes: Reimbursement for the provision of pap smears, colposcopy, cervical biopsy, cryotherapy, loop electrosurgical excision procedure (LEEP), and such other treatments and procedures as may be developed for the followup of abnormal pap smears; the diagnosis and treatment of sexually transmitted diseases, including, but not limited to, chlamydia, gonorrhea, HPV (genital warts), and herpes; and associated laboratory and equipment costs and staff training costs relating to the use of colposcopy equipment. None of the General Funds provided under this program shall be used to perform or facilitate the performance of abortion or to counsel or refer for abortion.

The department may contract with local public health departments, federally qualified health centers, certified rural health clinics, general acute hospitals, critical access hospitals, Indian health services facilities, public health clinics, and private health care providers to provide the services described in this section to patients whose family income is equal to or less than two hundred fifty percent of the federal Office of Management and Budget income poverty guideline.

The department may prioritize applications for contracts with a preference for local public health departments, hospitals, and federally qualified health centers. The department shall select sufficient providers so that the services described in this section are available throughout the state. The department may contract with a provider who provides some but not all of the services described in this section if necessary to provide for availability of such services.

2. On page 2, line 25, strike "232" and insert "233".

3. On page 124, line 22, after the last comma insert "118,".
4. Renumber the remaining sections accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1208A. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1208, Ninety-ninth Legislature, Second Session, 2006.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: LB 32.

Correctly Engrossed

The following bill was correctly engrossed: LB 647A.

(Signed) Michael Flood, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Price asked unanimous consent to add her name as cointroducer to LB 87. No objections. So ordered.

Senators Combs and Friend asked unanimous consent to add their names as cointroducers to LB 287. No objections. So ordered.

Senator Aguilar asked unanimous consent to add his name as cointroducer to LB 962. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Russell Harrison from Omaha.

ADJOURNMENT

At 5:35 p.m., on a motion by Senator Dw. Pedersen, the Legislature adjourned until 9:00 a.m., Tuesday, March 14, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-THIRD DAY - MARCH 14, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 14, 2006

PRAYER

The prayer was offered by Senator Price.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Landis who was excused; and Senators Brashear, Cornett, Cunningham, and Dw. Pedersen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-second day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 13, 2006, at 5:45 p.m. were the following: LBs 87, 87A, 508, 663e, 853e, 975e, and 1115e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

GENERAL FILE

LEGISLATIVE BILL 1060. Title read. Considered.

The Standing Committee amendment, AM2581, printed separately and referred to on page 946, was considered.

Senator Foley asked unanimous consent to withdraw his pending amendment, AM2617, found on page 950, and replace it with his substitute pending amendment, AM2441, found on page 1020, to the Standing Committee amendment. No objections. So ordered.

Senator Erdman moved the previous question. The question is, "Shall the debate now close?"

Senator Foley moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

The motion to cease debate prevailed with 25 ayes, 11 nays, 12 present and not voting, and 1 excused and not voting.

Senator Foley requested a roll call vote on his amendment.

Voting in the affirmative, 29:

Aguilar	Cunningham	Friend	Louden	Smith
Baker	Engel	Heidemann	Mines	Stuhr
Burling	Erdman	Hudkins	Pahls	Stuthman
Byars	Fischer	Jensen	Pedersen, Dw.	Synowiecki
Combs	Flood	Kremer	Redfield	Wehrbein
Cornett	Foley	Langemeier	Schrock	

Voting in the negative, 6:

Brown	Janssen	Pederson, D.
Howard	Johnson	Thompson

Present and not voting, 13:

Beutler	Chambers	Kopplin	Preister	Schimek
Bourne	Connealy	Kruse	Price	
Brashear	Cudaback	McDonald	Raikes	

Excused and not voting, 1:

Landis

The Foley amendment was adopted with 29 ayes, 6 nays, 13 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Schimek offered the following motion:
Reconsider the vote on AM2441.

SENATOR CUDABACK PRESIDING

PRESIDENT SHEEHY PRESIDING

SENATOR CUDABACK PRESIDING

Pending.

AMENDMENTS - Print in Journal

Senator Johnson filed the following amendment to LB 904:
AM2712

(Amendments to Standing Committee amendments, AM2576)

1. Strike section 1 and insert the following new section:

Section 1. The Expressway Expansion Fund is created. The fund shall consist of money credited to the fund pursuant to section 77-27,132. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

The fund shall be used by the Department of Roads only for the expansion of the expressway system in the state with consideration given to the cost-benefit ratio to promote economic growth and development of the state.

2. On page 2, line 11, strike the new matter and insert "Expressway Expansion"; in line 15 strike "sections 39-2401 and" and insert "section"; and in line 16 strike "are" and insert "is".

Senator Flood filed the following amendment to LB 903:
AM2698

(Amendments to Standing Committee amendments, AM2596)

1. Insert the following new section:

Section 1. Section 53-186, Reissue Revised Statutes of Nebraska, is amended to read:

53-186 (1) Except as provided in ~~subsection (2)~~ subsections (2) and (3) of this section, it shall be unlawful for any person to consume alcoholic liquor upon property owned or controlled by the state or any governmental subdivision thereof unless authorized by the governing bodies having jurisdiction over such property.

(2) The commission may issue licenses for the sale of alcoholic liquor at retail (a) on lands owned by public power districts, public power and irrigation districts, the Bureau of Reclamation, or the Corps of Army Engineers or (b) for locations within or on structures on land owned by the state, cities, or villages or on lands controlled by airport authorities. The issuance of a license under this subsection shall be subject to the consent of the local governing body having jurisdiction over the site for which the license is requested as provided in the Nebraska Liquor Control Act.

(3) Nothing in this section shall prohibit the consumption of alcoholic liquor on the premises or grounds of any of the Nebraska veterans' homes described in section 80-315 by a resident of such home or his or her guests.

2. On page 5, line 10, after "sections" insert "53-186,"

and after "80-315" insert a comma.

3. Renumber the remaining sections accordingly.

Senator Flood filed the following amendment to LB 994:
AM2697

(Amendments to E & R amendments, AM7178)

1. Insert the following new section:

Sec. 16. Section 53-186, Reissue Revised Statutes of Nebraska, is amended to read:

53-186 (1) Except as provided in ~~subsection (2)~~ subsections (2) and (3) of this section, it shall be unlawful for any person to consume alcoholic liquor upon property owned or controlled by the state or any governmental subdivision thereof unless authorized by the governing bodies having jurisdiction over such property.

(2) The commission may issue licenses for the sale of alcoholic liquor at retail (a) on lands owned by public power districts, public power and irrigation districts, the Bureau of Reclamation, or the Corps of Army Engineers or (b) for locations within or on structures on land owned by the state, cities, or villages or on lands controlled by airport authorities. The issuance of a license under this subsection shall be subject to the consent of the local governing body having jurisdiction over the site for which the license is requested as provided in the Nebraska Liquor Control Act.

(3) Nothing in this section shall prohibit the consumption of alcoholic liquor on the premises or grounds of any of the Nebraska veterans homes described in section 80-315 by a resident of such home or his or her guests.

2. Amend the operative date and repealer sections so that the section added by this amendment becomes operative on its effective date.

3. Renumber the remaining sections and correct internal references accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1069. Placed on Select File as amended.
E & R amendment to LB 1069:
AM7179

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 75-109.01, Reissue Revised Statutes of Nebraska, is amended to read:

75-109.01 Except as otherwise specifically provided by law, the Public Service Commission shall have jurisdiction, as prescribed, over the following subjects:

(1) Common carriers, generally, pursuant to sections

75-101 to 75-158;

(2) Grain pursuant to the Grain Dealer Act and the Grain Warehouse Act and sections 89-1,104 to 89-1,108;

(3) Manufactured homes and recreational vehicles pursuant to the Uniform Standard Code for Manufactured Homes and Recreational Vehicles;

(4) Modular housing units pursuant to the Nebraska Uniform Standards for Modular Housing Units Act;

(5) Motor carrier registration and safety pursuant to sections 75-301 to 75-322, 75-369.03, 75-370, and 75-371; ~~, 75-383, and 75-384;~~

(6) Pipeline carriers and rights-of-way pursuant to sections 57-1301 to 57-1307 and 75-501 to 75-503;

(7) Railroad carrier safety pursuant to sections 74-918, 74-919, 74-1323, and 75-401 to 75-430;

(8) Telecommunications carriers pursuant to the Automatic Dialing-Announcing Devices Act, the Emergency Telephone Communications Systems Act, the Enhanced Wireless 911 Services Act, the Intrastate Pay-Per-Call Regulation Act, the Nebraska Telecommunications Regulation Act, the Nebraska Telecommunications Universal Service Fund Act, the Telecommunications Relay System Act, the Telephone Consumer Slamming Prevention Act, and sections 86-574 to 86-580;

(9) Transmission lines and rights-of-way pursuant to sections 70-301 and 75-702 to 75-724;

(10) Water service pursuant to the Water Service Regulation Act; and

(11) Jurisdictional utilities governed by the State Natural Gas Regulation Act. If the provisions of Chapter 75 are inconsistent with the provisions of the State Natural Gas Regulation Act, the provisions of the State Natural Gas Regulation Act control.

Sec. 2. (1) The Department of Health and Human Services Finance and Support may reimburse an individual for the costs incurred by such individual in the transportation of a person eligible to receive transportation services through the Nebraska Health and Human Services System if:

(a) The individual is under contract with the Nebraska Health and Human Services System and provides transportation to the eligible person; and

(b) The eligible person has chosen the individual to provide the transportation.

(2) The department shall reimburse for the costs incurred in the transportation at a rate no greater than that provided for reimbursement of state employees pursuant to section 81-1176.

(3) Transportation provided to an eligible person by an individual pursuant to this section does not constitute transportation for hire.

(4) The department may adopt and promulgate rules and

regulations to implement this section.

Sec. 3. Section 75-302, Reissue Revised Statutes of Nebraska, is amended to read:

75-302 For purposes of sections 75-301 to 75-322 and section 2 of this act and in all rules and regulations adopted and promulgated by the commission pursuant to such sections, unless the context otherwise requires:

(1) Carrier enforcement division means the carrier enforcement division of the Nebraska State Patrol or the Nebraska State Patrol;

(2) Certificate means a certificate of public convenience and necessity issued under Chapter 75, article 3, to common carriers by motor vehicle;

(3) Civil penalty means any monetary penalty assessed by the commission or carrier enforcement division due to a violation of Chapter 75, article 3, or section 75-126 as such section applies to any person or carrier specified in Chapter 75, article 3; any term, condition, or limitation of any certificate or permit issued pursuant to Chapter 75, article 3; or any rule, regulation, or order of the commission, the Division of Motor Carrier Services, or the carrier enforcement division issued pursuant to Chapter 75, article 3;

(4) Commission means the Public Service Commission;

(5) Common carrier means any person who or which undertakes to transport passengers or household goods for the general public in intrastate commerce by motor vehicle for hire, whether over regular or irregular routes, upon the highways of this state;

(6) Contract carrier means any motor carrier which transports passengers or household goods for hire other than as a common carrier designed to meet the distinct needs of each individual customer or a specifically designated class of customers without any limitation as to the number of customers it can serve within the class;

(7) Division of Motor Carrier Services means the Division of Motor Carrier Services of the Department of Motor Vehicles;

(8) Escort services means an attendant or caregiver accompanying a minor or persons who are physically, mentally, or developmentally disabled and unable to travel or wait without assistance or supervision;

(9) Highway means the roads, highways, streets, and ways in this state;

(10) Household goods means personal effects and property used or to be used in a dwelling, when a part of the equipment or supply of such dwelling, and similar property as the commission may provide by regulation if the transportation of such effects or property, is:

(a) Arranged and paid for by the householder, including transportation of property from a factory or store when the

property is purchased by the householder with the intent to use in his or her dwelling; or

(b) Arranged and paid for by another party;

(11) Intrastate commerce means commerce between any place in this state and any other place in this state and not in part through any other state;

(12) Motor carrier means any person other than a regulated motor carrier who or which owns, controls, manages, operates, or causes to be operated any motor vehicle used to transport passengers or property over any public highway in this state;

(13) Motor vehicle means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails;

(14) Permit means a permit issued under Chapter 75, article 3, to contract carriers by motor vehicle;

(15) Person means any individual, firm, partnership, limited liability company, corporation, company, association, or joint-stock association and includes any trustee, receiver, assignee, or personal representative thereof;

(16) Private carrier means any motor carrier which owns, controls, manages, operates, or causes to be operated a motor vehicle to transport passengers or property to or from its facility, plant, or place of business or to deliver to purchasers its products, supplies, or raw materials (a) when such transportation is within the scope of and furthers a primary business of the carrier other than transportation and (b) when not for hire. Nothing in sections 75-301 to 75-322 shall apply to private carriers except sections 75-307 to 75-307.03 as they apply to private carriers; and

(17) Regulated motor carrier means any person who or which owns, controls, manages, operates, or causes to be operated any motor vehicle used to transport passengers, other than those excepted under section 75-303, or household goods over any public highway in this state.

Sec. 4. Section 75-370, Reissue Revised Statutes of Nebraska, is amended to read:

75-370 Enforcement of sections 75-307 to 75-307.03~~,~~ and 75-309~~, 75-383, and 75-384~~ shall be carried out by the carrier enforcement division of the Nebraska State Patrol or the Nebraska State Patrol pursuant to the rules and regulations adopted and promulgated by the commission to enforce such sections. Any violation of such sections by any regulated motor carrier, motor carrier, or private carrier shall be referred to the commission for disposition under section 75-156, and the commission may take any other action provided by section 75-133.

Sec. 5. Section 75-371, Reissue Revised Statutes of

Nebraska, is amended to read:

75-371 Any person, private carrier, common carrier, or contract carrier which operates any motor vehicle in violation of section 75-307, 75-307.01, 75-307.02, or 75-307.03~~, 75-383, or 75-384~~ or any rule, regulation, or order of the commission pertaining to any of such sections shall be guilty of a Class IV misdemeanor. Each day of such violation shall constitute a separate offense.

Sec. 6. Original sections 75-109.01, 75-302, 75-370, and 75-371, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 7. The following sections are outright repealed: Sections 75-383 and 75-384, Reissue Revised Statutes of Nebraska.

2. On page 1, strike beginning with "services" in line 1 through line 6 and insert "; to amend sections 75-109.01, 75-302, 75-370, and 75-371, Reissue Revised Statutes of Nebraska; to provide for reimbursement of transportation costs for eligible persons as prescribed; to eliminate certain provisions related to transportation of hazardous materials; to harmonize provisions; to repeal the original sections; and to outright repeal sections 75-383 and 75-384, Reissue Revised Statutes of Nebraska.".

LEGISLATIVE BILL 1069A. Placed on Select File.

LEGISLATIVE BILL 962. Placed on Select File as amended.
E & R amendment to LB 962:
AM7180

1. On page 1, line 1, strike "appropriations" and insert "the Nursing Faculty Student Loan Act"; and in lines 3 and 4 strike "to state intent;".

2. Renumber section 3 as section 2.

LEGISLATIVE BILL 962A. Placed on Select File.

(Signed) Michael Flood, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 308. Introduced by Kopplin, 3.

PURPOSE: To examine the funding mechanisms and financial situation of Nebraska's two tribally-controlled community colleges. The study should examine the current funding of the two schools relative to state aid, the ramifications of additional state aid, and alternative or potential methods of funding including, but not limited to, the possibility of enhanced cooperative agreements with the Nebraska community college system, the Nebraska state college system, or the University of Nebraska. The study should also investigate how other states fund tribal postsecondary schools.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 309. Introduced by Engel, 17; Cunningham, 40; Kremer, 34; Wehrbein, 2.

WHEREAS, Taiwan and the United States enjoy one of the most important economic and strategic international relationships; and

WHEREAS, together, Taiwan and the United States promote a shared faith in, and respect for, freedom, democracy, and free market principles; and

WHEREAS, Taiwan and the United States have worked hand-in-hand to preserve peace and stability within the Asia-Pacific region and to help improve the lives of their citizens and people around the world; and

WHEREAS, trade between Taiwan and the United States has increased significantly during recent decades, with the United States being Taiwan's second largest source of imports and Taiwan being the eighth largest trading partner of the United States; and

WHEREAS, Taiwan is also an important overseas market for United States agricultural products and, given the remarkable economic performance of Taiwan and the strong purchasing power of its twenty-three million people, there are many opportunities to further expand bilateral trade between the United States and Taiwan; and

WHEREAS, streamlined foreign investment procedures developed under a Taiwan-United States free trade agreement would lead to further investment by firms in both Taiwan and the United States and would create new business opportunities and new jobs; and

WHEREAS, a Taiwan-United States free trade agreement would encourage greater innovations and manufacturing efficiencies by stimulating joint technological development, practical applications, and new cooperative ventures; and

WHEREAS, a recent study by the United States International Trade Commission supports the negotiation of a Taiwan-United States free trade agreement to further boost trade between the two countries and serve the broader interests of the United States in the Asia-Pacific region.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature shows its support for free trade between the United States and Taiwan by urging the United States Congress to support the negotiation of a Taiwan-United States free trade agreement.

2. That the Clerk of the Legislature send a copy of this resolution to the President of the United States, the United States Secretary of State, to the United States Secretary of Commerce, to the United States Trade Representative, to each member of the Nebraska congressional delegation,

and to the Taipei Economic and Cultural Office in Kansas City.

Laid over.

VISITORS

Visitors to the Chamber were 47 fourth-grade students and teachers from Nebraska City Public School; 27 students and teacher from Madonna School, Omaha; members of Women Involved in Farm Economics from across the state; and 16 students and teacher from Bryan High School, Omaha.

RECESS

At 11:59 a.m., on a motion by Senator Burling, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senator Landis who was excused; and Senators Cornett, Heidemann, Jensen, and Mines who were excused until they arrive.

SPEAKER BRASHEAR PRESIDING

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 296 and 297 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 296 and 297.

SENATOR CUDABACK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 1060. The Schimek pending motion, found in this day's Journal, to reconsider the vote on AM2441, was renewed.

Senator Schimek moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Senator Schimek requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 18:

Aguilar	Chambers	Janssen	McDonald	Schimek
Beutler	Connealy	Johnson	Pederson, D.	Thompson
Brashear	Cudaback	Kopplin	Price	
Brown	Howard	Kruse	Raikes	

Voting in the negative, 20:

Baker	Cunningham	Foley	Louden	Schrock
Burling	Erdman	Friend	Mines	Smith
Byars	Fischer	Jensen	Pedersen, Dw.	Stuhr
Cornett	Flood	Kremer	Redfield	Wehrbein

Present and not voting, 9:

Bourne	Engel	Hudkins	Preister	Synowiecki
Combs	Heidemann	Pahls	Stuthman	

Excused and not voting, 2:

Landis	Langemeier

The Schimek motion to reconsider failed with 18 ayes, 20 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
Recommit LB 1060 to Appropriations Committee.

Senator Brashear asked unanimous consent to bracket LB 1060 until Wednesday, March 15, 2006. No objections. So ordered.

LEGISLATIVE BILL 1061. Title read. Considered.

The Standing Committee amendment, AM2584, found on page 946, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

PROPOSED RULES CHANGE

Senator Hudkins offered the following proposed rules change:
Amend Rule 3

Sec. 3. Standing Committees. (a) The standing committees of the Legislature shall be as follows:

Agriculture	8 members
Appropriations	9 members
Banking, Commerce and Insurance	8 members
Business and Labor	7 members
Education	8 members
General Affairs	8 members
Government, Military and Veterans Affairs	~~7~~ 8 members
Health and Human Services	~~8~~ 7 members
Judiciary	8 members
Natural Resources	8 members
Nebraska Retirement Systems	~~8~~ 6 members
Revenue	8 members
Transportation and Telecommunications	8 members
Urban Affairs	7 members

(b) The Speaker shall not be a regular member of a standing committee.

Sec. 6. Meeting Times. (a) After consultation with the Speaker, ~~and with the approval of the Executive Board,~~ the Committee on Committees shall publish a schedule of standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to committees. Standing committees shall meet at 1:30 p.m. on weekdays, unless otherwise approved by the Legislature, except for the Nebraska Retirement Systems Committee, which shall meet as called by the chairperson.

(b) A standing committee which decides not to hold meetings on the appointed day shall report that decision to the Clerk of the Legislature.

(c) Any legislative committee shall be subject to the call of its chairperson or to the call of a majority of its members, in accordance with the notice and procedural requirements set forth in its committee rules.

Referred to the Rules Committee.

AMENDMENTS - Print in Journal

Senator Fischer filed the following amendment to LB 1060:
AM2713

(Amendments to Standing Committee amendments, AM2581)

1. On page 120, line 16, strike "$5,000,000" and insert

"$1,000,000".

Senators Raikes and Thompson filed the following amendment to LB 1208:
AM2721

1. On page 6, line 2, after "(4)" insert "(a)"; in line 15 after the stricken "2006-07" insert "(b)"; and strike the new matter in lines 21 through 25 and insert:

"(c) For fiscal year 2006-07, the Education Innovation Fund shall be allocated as follows: The first two hundred fifty thousand dollars shall be transferred to the Attracting Excellence to Teaching Program Cash Fund to fund the Attracting Excellence to Teaching Program Act, the next one million dollars shall be transferred to the School District Reorganization Fund, and the amount remaining in the Education Innovation Fund shall be allocated, after administrative expenses, for distance education equipment and incentives pursuant to sections 21 and 22 of this act.

(d) For fiscal year 2007-08, the Education Innovation Fund shall be allocated as follows: The first five hundred thousand dollars shall be transferred to the Attracting Excellence to Teaching Program Cash Fund to fund the Attracting Excellence to Teaching Program Act and the amount remaining in the Education Innovation Fund shall be allocated, after administrative expenses, for distance education equipment and incentives pursuant to such sections.

(e) For fiscal year 2008-09, the Education Innovation Fund shall be allocated as follows: The first seven hundred fifty thousand dollars shall be transferred to the Attracting Excellence to Teaching Program Cash Fund to fund the Attracting Excellence to Teaching Program Act and the amount remaining in the Education Innovation Fund shall be allocated, after administrative expenses, for distance education equipment and incentives pursuant to such sections.

(f) For fiscal years 2009-10 through 2015-16, the Education Innovation Fund shall be allocated as follows: The first one million dollars shall be transferred to the Attracting Excellence to Teaching Program Cash Fund to fund the Attracting Excellence to Teaching Program Act and the amount remaining in the Education Innovation Fund shall be allocated, after administrative expenses, for distance education equipment and incentives pursuant to such sections.

(g) For fiscal year 2016-17 and each fiscal year thereafter, the Education Innovation Fund shall be allocated, after administrative expenses, for education purposes as provided by the Legislature.".

2. On page 7, lines 1 through 7, strike the new matter.

3. On page 69, strike beginning with "79-8,132" in line 4 through "79-8,140," in line 5.

Senator Janssen filed the following amendment to LB 1060:
AM2726

(Amendments to AM2441)

1. On page 1, line 8, strike "3,149,166", show as stricken, and insert "3,669,007"; in line 11 strike "46,481,952", show as stricken, and insert "47,001,793"; and in line 16 strike "$3,149,166", show as stricken, and insert "$3,669,007".

2. On page 2, line 6, strike "$519,841", show as stricken, and insert "$1,039,682".

Senator Baker filed the following amendment to LB 275:
(Amendment, AM2660, is printed separately and available in the Bill Room, Room 1104.)

Senator Baker filed the following amendment to LB 275:
(Amendment, AM2662, is printed separately and available in the Bill Room, Room 1104.)

Senator Jensen filed the following amendment to LB 994:
AM2685

(Amendments to E & R amendments, AM7178)

1. On page 30, line 2, strike "three", show as stricken, and insert "six".

Senator Jensen filed the following amendment to LB 994:
AM2732

(Amendments to AM2598)

1. On page 7, line 23, after "public" insert "or private".

Senator Baker filed the following amendment to LB 1222:
AM2734

(Amendments to Standing Committee amendments, AM2238)

1. Strike section 25.

2. On page 1, line 21, strike "2007" and insert "2009".

3. On page 8, line 13, strike "26" and insert "25"; and in line 22 after "month" insert "or has a positive balance greater than or equal to the surcharge amount".

4. On page 9, line 21, after the second occurrence of "customer" insert "or a customer in a county containing a city of the metropolitan class"; and after the period in line 24 insert "Each wireless carrier who has a customer in a county containing a city of the metropolitan class shall collect a surcharge of not more than fifty cents.".

5. On page 11, line 9, strike "Each" and insert "As the commission may require, each".

6. On page 16, line 9, after "86-465," insert "and" and strike "and 86-468,".

7. Renumber the remaining sections accordingly.

Senator Kremer filed the following amendment to LB 933:
AM2722

(Amendments to AM2573)

1. Insert the following new sections:

Sec. 29. Section 61-201, Reissue Revised Statutes of Nebraska, is amended to read:

61-201 The Director of Natural Resources shall be qualified by education, training, and ~~business~~ experience to manage and supervise the Department of Natural Resources. The director, deputy director, or manager of the permits and registration division shall be a professional engineer as provided in the Engineers and Architects Regulation Act and shall have had at least five years' experience in a position of responsibility in irrigation work.

Sec. 30. Section 61-202, Reissue Revised Statutes of Nebraska, is amended to read:

61-202 The Director of Natural Resources may employ such personnel, including legal and technical advisors, as necessary to carry out the duties required of the director. All powers and duties lawfully conferred upon the Department of Natural Resources shall be exercised under the direction of the director. The director shall:

(1) Have charge of the records of the department;

(2) Cause accurate and complete books of account to be kept;

(3) Supervise the signing of vouchers and orders for supplies, materials, and any other expenditures;

(4) Contract for consulting services;

(5) Employ all engineers, assistants, clerks, agents, advisors, technicians, and other employees required for the proper transaction of the business of the department and fix their titles, determine their duties and compensation, and discharge them in the discretion of the director;

(6) Sign and execute or supervise the signing and executing of all documents and papers; and

(7) Work with the Nebraska Natural Resources Commission to develop and implement the policies and programs of the commission.

2. Amend the operative date and repealer sections so that the sections added by this amendment become operative three calendar months after adjournment of this legislative session.

3. Renumber the remaining sections and correct internal references accordingly.

Senator Chambers filed the following amendment to LB 1060:
AM2730

(Amendments to Standing Committee amendments, AM2581)

1. On page 27, lines 15 and 16, strike "365,000" and

2 insert "1,165,000"; and in line 19 strike "$200,000" and insert
3 "$1,000,000".

GENERAL FILE

LEGISLATIVE BILL 1131. Title read. Considered.

The Standing Committee amendment, AM2620, found on page 947, was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1126. Title read. Considered.

The Standing Committee amendment, AM2318, found on page 695, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 817. Title read. Considered.

The Standing Committee amendment, AM1952, found on page 436, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 746. Title read. Considered.

The Standing Committee amendment, AM1308, found on page 1336, First Session, 2005, was considered.

Senator D. Pederson offered the following amendment to the Standing Committee amendment:
AM2733

(Amendments to AM1308)

1. Insert the following new section:

Sec. 5. There is hereby appropriated $200,000 from the General Fund for FY2006-07 and $200,000 from the General Fund for FY2007-08 to the Supreme Court, for Program 52, to aid in carrying out the provisions of Legislative Bill 746, Ninety-ninth Legislature, Second Session, 2006.

No expenditures for permanent and temporary salaries and

per diems for state employees shall be made from funds appropriated in this section.

The D. Pederson amendment lost with 3 ayes, 15 nays, 28 present and not voting, and 3 excused and not voting.

The Standing Committee amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 605. Title read. Considered.

SPEAKER BRASHEAR PRESIDING

The Standing Committee amendment, AM1285, found on page 1287, First Session, 2005, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Senator D. Pederson renewed his pending amendment, AM1845, found on page 395.

The D. Pederson amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 605A. Title read. Considered.

Senator D. Pederson renewed his pending amendment, AM1897, found on page 401.

The D. Pederson amendment was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1208. Title read. Considered.

The Standing Committee amendment, AM2565, found on page 911, was considered.

Senator Raikes renewed his pending amendment, AM2688, found on page 1019, to the Standing Committee amendment.

The Raikes amendment was adopted with 29 ayes, 0 nays, 11 present and

not voting, and 9 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 35 ayes, 0 nays, 5 present and not voting, and 9 excused and not voting.

Senator Thompson withdrew her pending amendment, AM2640, found on page 959.

Advanced to E & R for review with 36 ayes, 1 nay, 3 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 1208A. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 746A. Introduced by D. Pederson, 42.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 746, Ninety-ninth Legislature, Second Session, 2006.

AMENDMENTS - Print in Journal

Senator Preister filed the following amendment to LB 994:
AM2657

(Amendments to E & R amendments, AM7178)

1. Strike section 49 and insert the following new sections:

Sec. 46. Section 80-315, Reissue Revised Statutes of Nebraska, is amended to read:

80-315 (1) The Grand Island Veterans' Home, the Norfolk Veterans' Home, the Thomas Fitzgerald Veterans' Home, and the Western Nebraska Veterans' Home are established. On July 1, 2007, the Eastern Nebraska Veterans' Home is established. The State of Nebraska shall maintain the homes as provided in sections 80-314 to 80-331.

(2) The veterans' home known as the Thomas Fitzgerald Veterans' Home as of the effective date of this act shall continue to be known by that name until July 1, 2007. On and after July 1, 2007, the veterans' home shall be known as the Eastern Nebraska Veterans' Home.

Sec. 50. Section 81-1316, Revised Statutes Cumulative Supplement, 2004, is amended to read:

81-1316 (1) All agencies and personnel of state

government shall be covered by sections 81-1301 to 81-1319 and shall be considered subject to the State Personnel System, except the following:

(a) All personnel of the office of the Governor;

(b) All personnel of the office of the Lieutenant Governor;

(c) All personnel of the office of the Secretary of State;

(d) All personnel of the office of the State Treasurer;

(e) All personnel of the office of the Attorney General;

(f) All personnel of the office of the Auditor of Public Accounts;

(g) All personnel of the Legislature;

(h) All personnel of the court systems;

(i) All personnel of the Board of Educational Lands and Funds;

(j) All personnel of the Public Service Commission;

(k) All personnel of the Nebraska Brand Committee;

(l) All personnel of the Commission of Industrial Relations;

(m) All personnel of the State Department of Education;

(n) All personnel of the Nebraska state colleges and the Board of Trustees of the Nebraska State Colleges;

(o) All personnel of the University of Nebraska;

(p) All personnel of the Coordinating Commission for Postsecondary Education;

(q) All personnel of the Governor's Policy Research Office, but not to include personnel within the State Energy Office;

(r) All personnel of the Commission on Public Advocacy;

(s) All agency heads;

(t) The Director of Medical Services established under section 83-125, the director of the Division of Veterans Homes created in section 80-314, and the chief executive officers of the Beatrice State Developmental Center, Lincoln Regional Center, Norfolk Regional Center, Hastings Regional Center, Grand Island Veterans' Home, Norfolk Veterans' Home, Thomas Fitzgerald Veterans' Home prior to July 1, 2007, and the Eastern Nebraska Veterans' Home on and after July 1, 2007, Western Nebraska Veterans' Home, Youth Rehabilitation and Treatment Center-Kearney, and Youth Rehabilitation and Treatment Center-Geneva;

(u) All personnel employed as pharmacists, physicians, psychiatrists, or psychologists of the Department of Health and Human Services, the Department of Health and Human Services Finance and Support, and the Department of Health and Human Services Regulation and Licensure; and

(v) Deputies and examiners of the Department of Banking and Finance and the Department of Insurance as set forth in sections 8-105 and 44-119, except for those deputies and examiners

who remain in the State Personnel System.

(2) At each agency head's discretion, up to the following number of additional positions may be exempted from the State Personnel System, based on the following agency size categories:

Number of Agency Employees	Number of Noncovered Positions
less than 25	0
25 to 100	1
101 to 250	2
251 to 500	3
501 to 1000	4
1001 to 2000	5
2001 to 3000	8
3001 to 4000	11
4001 to 5000	14
over 5000	17

The purpose of having such noncovered positions shall be to allow agency heads the opportunity to recruit, hire, and supervise critical, confidential, or policymaking personnel without restrictions from selection procedures, compensation rules, career protections, and grievance privileges. Persons holding the noncovered positions shall serve at the pleasure of the agency head and shall be paid salaries set by the agency head.

(3) No changes to this section or to the number of noncovered positions within an agency shall affect the status of personnel employed on the date the changes become operative without their prior written agreement. A state employee's career protections or coverage by personnel rules and regulations shall not be revoked by redesignation of the employee's position as a noncovered position without the prior written agreement of such employee.

Sec. 51. Section 83-107.01, Reissue Revised Statutes of Nebraska, is amended to read:

83-107.01 The official names of the state institutions under the supervision of the Department of Health and Human Services shall be as follows: (1) Beatrice State Developmental Center, (2) Lincoln Regional Center, (3) Norfolk Regional Center, (4) Hastings Regional Center, (5) Grand Island Veterans' Home, (6) Norfolk Veterans' Home, ~~(7) Thomas Fitzgerald Veterans' Home, (8)~~ (7) Western Nebraska Veterans' Home, ~~(9)~~ (8) Youth Rehabilitation and Treatment Center-Kearney, and ~~(10)~~ (9) Youth Rehabilitation and Treatment Center-Geneva.

Prior to July 1, 2007, the official name of the state institution under the supervision of the Department of Health and Human Services shall be the Thomas Fitzgerald Veterans' Home and, on and after July 1, 2007, shall be the Eastern Nebraska Veterans' Home.

2. Correct the operative date section and repealer so that the sections added by this amendment become operative three

calendar months after adjournment of this legislative session.

3. Renumber the remaining sections accordingly.

Senator Bourne filed the following amendment to LB 1096:
AM2448

1. Strike section 3 and insert the following new sections:

Sec. 3. (1) In a county which contains a city of the metropolitan class, no person shall be elected clerk of the district court after 2006.

(2) In a district court judicial district within or comprising a county which contains a city of the metropolitan class, the clerk of the district court shall be appointed by majority vote of the district court judges in that district court judicial district beginning January 1, 2011, or beginning with any vacancy in the office of clerk of the district court occurring prior to January 1, 2011.

Sec. 5. Section 32-567, Reissue Revised Statutes of Nebraska, is amended to read:

32-567 Vacancies in office shall be filled as follows:

(1) In state and judicial district offices and in the membership of any board or commission created by the state when no other method is provided, by the Governor;

(2) In county offices other than clerks of the district court in counties containing a city of the metropolitan class, by the county board;

(3) In the membership of the county board, by the county clerk, county attorney, and county treasurer;

(4) In township offices, by the township board or, if there are two or more vacancies on the township board, by the county board;

(5) In offices in public power and irrigation districts, according to section 70-615;

(6) In offices in natural resources districts, according to section 2-3215;

(7) In offices in community college areas, according to section 85-1514;

(8) In offices in educational service units, according to section 79-1217;

(9) In offices in hospital districts, according to section 23-3534;

(10) In offices in metropolitan utilities districts, according to section 14-2104;

(11) In membership on airport authority boards, according to section 3-502, 3-611, or 3-703, as applicable;

(12) In membership on the board of trustees of a road improvement district, according to section 39-1607; and

(13) In membership on the council of a municipal county, by the council.

Unless otherwise provided by law, all vacancies shall be filled within forty-five days after the vacancy occurs unless good cause is shown that the requirement imposes an undue burden.

2. On page 8, line 18, strike "and" and after the last comma insert "and 32-567,".

3. Renumber the remaining section accordingly.

Senator Chambers filed the following amendment to LB 1086:
AM2741

1. Insert the following new sections:

Sec. 6. Section 28-101, Revised Statutes Cumulative Supplement, 2004, is amended to read:

28-101 Sections 28-101 to 28-1350 and section 8 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 7. Section 28-801, Reissue Revised Statutes of Nebraska, is amended to read:

28-801 (1) Any person who performs, offers, or agrees to perform any act of sexual contact or sexual penetration, as those terms are defined in ~~subdivision (6) of~~ section 28-318, with any person not his or her spouse, in exchange for money or other thing of value, commits prostitution.

(2) ~~Prostitution is a Class I misdemeanor~~ Any person convicted of violating subsection (1) of this section shall be punished as follows:

(a) If such person has had no prior convictions or has had one prior conviction, such person shall be guilty of a Class II misdemeanor. If the court places such person on probation, such order of probation shall include, as one of its conditions, that such person shall satisfactorily attend and complete an appropriate mental health and substance abuse assessment conducted by a licensed mental health professional or substance abuse professional authorized to complete such assessment; and

(b) If such person has had two or more prior convictions, such person shall be guilty of a Class I misdemeanor. If the court places such person on probation, such order of probation shall include, as one of its conditions, that such person shall satisfactorily attend and complete an appropriate mental health and substance abuse assessment conducted by a licensed mental health professional or substance abuse professional authorized to complete such assessment.

For purposes of this subsection, prior conviction means any conviction on or after the effective date of this act for violation of subsection (1) of this section or any conviction on or after the effective date of this act for violation of a city or village ordinance relating to prostitution.

Sec. 8. (1) Any person who solicits another person not his or her spouse to perform any act of sexual contact or sexual penetration, as those terms are defined in section 28-318, in exchange for money or other thing of value, commits solicitation of

prostitution.

(2) Any person convicted of violating subsection (1) of this section shall be punished as follows:

(a) If such person has had no prior convictions, such person shall be guilty of a Class I misdemeanor and pay a fine of not less than two hundred fifty dollars. If the court places such person on probation, such order of probation shall include, as one of its conditions, the payment of a fine of not less than two hundred fifty dollars and such person shall satisfactorily attend and complete an appropriate mental health and substance abuse assessment conducted by a licensed mental health professional or substance abuse professional authorized to complete such assessment; and

(b) If such person has had one or more prior convictions, such person shall be guilty of a Class IV felony and pay a fine of not less than five hundred dollars. If the court places such person on probation, such order of probation shall include, as one of its conditions, the payment of a fine of not less than five hundred dollars and such person shall satisfactorily attend and complete an appropriate mental health and substance abuse assessment conducted by a licensed mental health professional or substance abuse professional authorized to complete such assessment.

Sec. 9. Section 28-804.01, Reissue Revised Statutes of Nebraska, is amended to read:

28-804.01 In all cases arising under sections 28-801 to 28-804 and section 8 of this act, no person shall be excused from testifying against another person by reason of such testimony tending to incriminate the person testifying, but the testimony so given, unless voluntary, shall in no case be used against the person so testifying in any criminal prosecution or otherwise.

Sec. 10. Original sections 28-801 and 28-804.01, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2004, are repealed.

2. On page 2, line 1, strike "This" and insert "Sections 1 to 5 of this".

Senator Janssen filed the following amendment to LB 1060:
AM2744

(Amendments to AM2441)

1. On page 1, line 8, strike "3,149,166", show as stricken, and insert "3,379,325"; in line 11 strike "46,481,952", show as stricken, and insert "46,712,111"; and in line 16 strike "$3,149,166", show as stricken, and insert "$3,379,325".

2. On page 2, line 6, strike "$519,841", show as stricken, and insert "$750,000"; and in line 19 strike "The" and insert "If the General Fund appropriation for this purpose equals or exceeds seven hundred fifty thousand dollars, the".

Senator Chambers filed the following amendment to LB 1060:
AM2731

(Amendments to Standing Committee amendments, AM2581)

1. On page 27, lines 15 and 16, strike "365,000" and insert "915,000"; and in line 19 strike "$200,000" and insert "$750,000".

Senator Chambers filed the following amendment to LB 1086:
FA606

Amendment to AM2429

In line 12 strike "close".

Senator Stuhr filed the following amendment to LB 690:
AM2725

(Amendments to Standing Committee amendments, AM0705)

1. Strike the original sections and all amendments thereto and insert the following sections:

Section 1. Sections 1 to 5 of this act shall be known and may be cited as the Career Education Partnership Act.

Sec. 2. The Legislature finds that:

(1) As defined in the Essential Education Policy of the State Board of Education, all students in Nebraska should have equitable opportunities to obtain knowledge and skills to meet the academic, civic, and economic demands of the twenty-first century;

(2) Schools need resources to provide programs for students to learn information and communication skills, thinking and problem solving skills, and interpersonal and self-directional skills for them to be productive and successful in their work, family, and community;

(3) Schools need resources to rethink the high school experience and to provide programs that will motivate all students, including high-risk students, to graduate from high school;

(4) There is a need to establish strategies and programs that develop skills which enable young people to complete high school, pursue postsecondary education, find jobs, and remain in their communities; and

There is a need to prepare young adults for employment opportunities in the State of Nebraska.

Sec. 3. For purposes of the Career Education Partnership Act, career education includes curriculum, work ethics, general employability skills, technical skills, occupational specific skills, and applied learning that integrates academic knowledge and vocational skills taught through the following course areas: Agriculture education; business education; career education; family and consumer sciences; health occupations; industrial technology education; marketing education; and trade and industrial education.

Sec. 4. The purpose of the Career Education Partnership Act is to support schools in Nebraska in continuing and enhancing career education programs through state grants. The act shall:

(1) Identify and explore options for Nebraska Career Education implementation in different sizes of schools;

(2) Collaborate with ongoing school improvement efforts;

(3) Create models of collaboration between career and academic education;

(4) Encourage relationships and coordination in support of entrepreneurship education;

(5) Develop partnerships between public secondary and postsecondary institutions; and

(6) Develop partnerships with business and industry based on Nebraska workforce development needs.

Sec. 5. (1) The State Department of Education shall establish and administer a competitive grant process to provide grants to a collaborative project of two or more public schools with an educational service unit, or a public postsecondary institution, and an advisory group related to the purpose of the Career Education Partnership Act. For purposes of this section, an advisory group means a local or regional economic development board, a local or regional chamber of commerce board, or a group specifically designed to support career education and entrepreneurial activities or programs.

(2) Grant money shall be used to provide for equitable opportunities for students in a minimum of two of the following areas:

(a) Assist schools in developing academic competencies, technical competencies, and basic work skill foundations for students;

(b) Assist schools in developing curriculum;

(c) Assist schools in employing certified teachers related to the purposes of the act; and

(d) Assist schools in providing professional development for certified teachers who provide course instruction.

(3) Grants shall not exceed seventy-five thousand dollars per collaborative project. Grant recipients shall have two years to expend the grant funds. No applicant shall receive funding for more than one project at a time. The State Department of Education shall act as the fiduciary agent for the grants.

Senators Stuhr and Raikes filed the following amendment to LB 690:
AM2724

(Amendments to Standing Committee amendments, AM0705)

1. Insert the following new section:

Sec. 7. (1) Beginning with the 2008-09 school year, every school district shall develop an individual academic plan for each student enrolled in the school district in the eighth grade. The plan shall specify the courses the student should complete each semester to gain the knowledge and skills necessary to pursue postsecondary education and multiple career options in areas of interest to the student. The academic plan shall be developed and

updated annually in consultation with the student.

(2) When a new student enrolls in the high school grades of a school district, the district shall develop an academic plan meeting the requirements of this section:

(a) Prior to the student's attendance if the student's attendance will not be delayed by the development of the academic plan; or

(b) Within ten school days after the student's enrollment if the student's attendance would be delayed by the development of the academic plan.

UNANIMOUS CONSENT - Add Cointroducers

Senator Erdman asked unanimous consent to add his name as cointroducer to LB 1208. No objections. So ordered.

Senator Friend asked unanimous consent to add his name as cointroducer to LR 309. No objections. So ordered.

VISITORS

Visitors to the Chamber were 45 fourth- and fifth-grade students and teachers from Shell Creek Elementary School, Columbus; and Dave and Will Butler from Austin, Texas.

The Doctor of the Day was Dr. Jason Musser from Omaha.

ADJOURNMENT

At 6:13 p.m., on a motion by Senator Fischer, the Legislature adjourned until 9:00 a.m., Wednesday, March 15, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-FOURTH DAY - MARCH 15, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

FORTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 15, 2006

PRAYER

The prayer was offered by Senator Janssen.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Brown, Burling, Combs, Cornett, Flood, Landis, Dw. Pedersen, and Stuthman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1034, line 3, strike "The Rules Committee" and insert "Senator Hudkins".
The Journal for the forty-third day was approved as corrected.

GENERAL FILE

LEGISLATIVE BILL 1086. Title read. Considered.

Senator Synowiecki renewed the Synowiecki-Jensen pending amendment, AM2429, found on page 1001.

Senator Chambers renewed his pending amendment, FA606, found on page 1046, to the Synowiecki-Jensen pending amendment.

The Chambers amendment was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

The Synowiecki-Jensen amendment, as amended, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Senator Chambers renewed his pending amendment, AM2741, found on page 1044.

The Chambers amendment was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Senator Stuhr offered the following amendment:
AM2718

1. Insert the following new sections:

Sec. 6. Section 28-101, Revised Statutes Cumulative Supplement, 2004, is amended to read:

28-101 Sections 28-101 to 28-1350 and sections 7 to 9 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 7. For purposes of sections 7 to 9 of this act, the following definitions apply:

(1) Blackmail is to be given its ordinary meaning and includes, but is not limited to, a threat to expose any secret tending to subject any person to hatred, contempt, or ridicule;

(2) Commercial sexual activity means any sex act on account of which anything of value is given, promised to, or received by any person;

(3) Financial harm includes theft under section 28-513;

(4) Forced labor or services means labor or services that are performed or provided by another person and are obtained or maintained through:

(a) Causing or threatening to cause serious harm to any person;

(b) Physically restraining or threatening to physically restrain another person;

(c) Abusing or threatening to abuse the law or legal process;

(d) Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document or any other actual or purported government identification document of another person;

(e) Blackmail; or

(f) Causing or threatening to cause financial harm to any person;

(5) Labor means work of economic or financial value;

(6) Maintain means, in relation to labor or services, to secure continued performance thereof, regardless of any initial agreement on the part of the victim to perform such type of service;

(7) Obtain means, in relation to labor or services, to secure performance thereof;

(8) Services means an ongoing relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor. Commercial sexual activity and sexually-explicit performances are forms of services under this section. Nothing in this subdivision shall be

construed to legitimize or legalize prostitution;

(9) Sexually-explicit performance means a live or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons; and

(10) Trafficking victim means a person subjected to the practices set forth in section 8 of this act.

Sec. 8. (1) No person shall knowingly subject or attempt to subject another person to forced labor or services. If a perpetrator knowingly subjects another person to forced labor or services by:

(a) Causing or threatening to cause physical harm to such other person, the perpetrator is guilty of a Class II felony;

(b) Physically restraining or threatening to physically restrain such other person, the perpetrator is guilty of a Class III felony;

(c) Abusing or threatening to abuse the law or legal process, the perpetrator is guilty of a Class IV felony;

(d) Knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of such other person, the perpetrator is guilty of a Class IV felony; or

(e) Using blackmail, or using or threatening to cause financial harm to such other person, the perpetrator shall be guilty of a Class I misdemeanor.

(2) No person shall knowingly recruit, entice, harbor, transport, provide, or obtain by any means or attempt to recruit, entice, harbor, provide, or obtain by an means another person under eighteen years of age, knowing that such person under eighteen years of age will engage in commercial sexual activity, sexually-explicit performance, or the production of pornography or cause or attempt to cause a minor to engage in commercial sexual activity, sexually-explicit performance, or the production of pornography. A person who violates this subsection shall be punished as follows:

(a) In cases in which the violation involved overt force or threat of force, such person is guilty of a Class ID felony;

(b) In cases in which the victim had not attained the age of fifteen years, not involving overt force or threat of force, such person is guilty of a Class II felony; or

(c) In cases involving a victim between the ages of fifteen and eighteen years, not involving overt force or threat of force, such person is guilty of a Class III felony.

(3) Any person who knowingly (a) recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, transport, provide, or obtain by any means, another person, intending or knowing that the person will be subjected to forced labor or services or (b) benefits, financially or by receiving anything of value, from participation in a venture

which has, as part of the venture, an act that is in violation of subsection (1) or (2) of this section, is guilty of a Class III felony.

(4) Restitution is mandatory under this section. In addition to any other amount of loss identified, the court shall order restitution including the greater of (a) the gross income or value to the perpetrator of the victim's labor or services or (b) the value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the federal Fair Labor Standards Act, 29 U.S.C. 201, et seq., as the act existed on January 1, 2006.

Sec. 9. (1) The Attorney General, in consultation with the Department of Health and Human Services shall, no later than one year after the effective date of this act, issue a report outlining how existing victim and witness laws and rules and regulations respond to the needs of trafficking victims and suggesting areas of improvement and modification.

(2) The Department of Health and Human Services, in consultation with the Attorney General, shall, no later than one year after the effective date of this act, issue a report outlining how existing social service programs respond or fail to respond to the needs of trafficking victims and the interplay of such existing programs with federally-funded victim service programs and suggesting areas of improvement and modification.

Sec. 10. Original section 28-101, Revised Statutes Cumulative Supplement, 2004, is repealed.

Senator Stuhr withdrew her amendment.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1086A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 385A. Introduced by Johnson, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 385, Ninety-ninth Legislature, Second Session, 2006.

NOTICE OF COMMITTEE HEARING
Rules
Room 1524

Monday, March 27, 2006 1:00 p.m.
Senator Hudkins' proposed rules change
Legislative Journal page 1034

(Signed) Carol Hudkins, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 310. Introduced by Friend, 10.

PURPOSE: The purpose of this study is to review the fairness of the property tax valuation system in the State of Nebraska on residential, commercial, and agricultural property, while also analyzing its uniformity among counties and classes of properties. The study also should include recommendations on how the Department of Property Assessment and Taxation can promote predictability in any increases in property assessments.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 690. Title read. Considered.

The Standing Committee amendment, AM0705, found on page 798, First Session, 2005, was considered.

Senator Stuhr asked unanimous consent to withdraw the Stuhr-Raikes pending amendment, AM1839, found on page 212, and replace it with the Stuhr substitute pending amendment, AM2725, found on page 1046, to the Standing Committee amendment. No objections. So ordered.

The Stuhr amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Senator Stuhr withdrew the Stuhr-Raikes pending amendment, AM2260, found on page 694.

Senator Stuhr renewed the Stuhr-Raikes pending amendment, AM2724, found on page 1047, to the Standing Committee amendment.

Senator Stuhr withdrew the Stuhr-Raikes amendment.

Senator Erdman offered the following amendment to the Standing Committee amendment:
FA607

Amendment to AM2725

Pg. 1 line 10 and pg. 1 line 15 strike "need resources to" and insert "should".

The Erdman amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 690A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 817A. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 817, Ninety-ninth Legislature, Second Session, 2006; and to declare an emergency.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1061. Placed on Select File as amended.
E & R amendment to LB 1061:
AM7183

1. On page 1, line 1, strike "59-1623" and insert "13-2041, 59-1623,"; in line 3 after the first comma insert "81-15,174,"; and in line 7 after the second semicolon insert "to change termination dates; to eliminate funds and provisions relating to the use of certain funds;".

LEGISLATIVE BILL 1131. Placed on Select File as amended.

E & R amendment to LB 1131:
AM7182
1. In the Standing Committee amendments, AM2620:
a. On page 3, line 23, after "administrator" insert "of the budget division of the Department of Administrative Services"; and
b. On page 4, line 27, after "under" insert "the".
2. On page 1, strike beginning with "18-2604" in line 1 through line 6 and insert "84-613, Revised Statutes Cumulative Supplement, 2004, and section 84-612, Revised Statutes Supplement, 2005; to provide for transfers from and change allocation of interest earned on the Cash Reserve Fund; to eliminate obsolete provisions; to create the State Capitol Restoration Fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 1126. Placed on Select File.

(Signed) Michael Flood, Chairperson

AMENDMENT - Print in Journal

Senator Langemeier filed the following amendment to LB 898:
AM2742
(Amendments to Standing Committee amendments, AM2116)
1. On page 4, strike the new matter in lines 4 through 8 and insert "Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting.".

GENERAL FILE

LEGISLATIVE BILL 1060. Senator Chambers withdrew his pending motion, found on page 1033, to recommit LB 1060 to Appropriations Committee.

Senator Langemeier asked unanimous consent to withdraw his pending amendment, AM2676, found on page 1019, and replace it with the Janssen substitute pending amendment, AM2744, found on page 1045, to the Standing Committee amendment. No objections. So ordered.

SENATOR BOURNE PRESIDING

SENATOR CUDABACK PRESIDING

Pending.

UNANIMOUS CONSENT - Add Cointroducers

Senator Price asked unanimous consent to add her name as cointroducer to LB 690. No objections. So ordered.

Senator Schimek asked unanimous consent to add her name as cointroducer to LB 817. No objections. So ordered.

VISITORS

Visitors to the Chamber were 45 fourth-grade students and teachers from Bryan Elementary School, Lexington; Alison, Katie, Kurt, and Anna Nelson from Kearney; Chuck Vestal from Omaha and Chris Gusman and Brittany Brun from Bellevue; 24 fourth- and twelfth-grade students and teachers from Arnold; 12 eleventh-grade students and teachers from Bertrand; and fifth- through eighth-grade students and teacher from The Pink Schoolhouse, Sioux County.

RECESS

At 11:58 a.m., on a motion by Senator Mines, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Hudkins and Wehrbein who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 1060. The Janssen pending amendment, AM2744, found on page 1045 and considered in this day's Journal, to the Standing Committee amendment, was renewed.

Senator Janssen asked unanimous consent to withdraw his pending amendment, AM2744, found on page 1045, and replace it with his substitute amendment, FA608, to the Standing Committee amendment. No objections. So ordered.

FA608

Amendment to AM2441

1. On page 1, line 8, strike "3,149,166", show as stricken, and insert "3,379,325"; in line 11 strike "46,481,952", show as stricken, and insert "46,712,111"; and in line 16 strike "$3,149,166", show as stricken, and insert "$3,379,325".

2. On page 2, line 6, strike "$519,841", show as stricken, and insert "$750,000".

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

The Janssen amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Pending.

STANDING COMMITTEE REPORT
Business and Labor

LEGISLATIVE BILL 1237. Placed on General File as amended.
Standing Committee amendment to LB 1237:
AM2728

1. Strike the original sections and insert the following sections:

Section 1. Section 48-120, Revised Statutes Supplement, 2005, is amended to read:

48-120 ~~(1)~~ (1)(a) The employer is liable for all reasonable medical, surgical, and hospital services, including plastic surgery or reconstructive surgery but not cosmetic surgery when the injury has caused disfigurement, appliances, supplies, prosthetic devices, and medicines as and when needed, which are required by the nature of the injury and which will relieve pain or promote and hasten the employee's restoration to health and employment, and includes damage to or destruction of artificial members, dental appliances, teeth, hearing aids, and eyeglasses, but, in the case of dental appliances, hearing aids, or eyeglasses, only if such damage or destruction resulted from an accident which also caused personal injury entitling the employee to compensation therefor for disability or treatment, subject to the approval of and regulation by the Nebraska Workers' Compensation Court. ~~, not to exceed the regular charge made for such service in similar cases.~~

(b) The compensation court may establish schedules of ~~maximum~~ fees for ~~such~~ medical, surgical, and hospital services. The allowable fee for any such service shall be the fee established by the compensation court or the provider's actual charge, whichever is lower. If the compensation court establishes such a schedule, it shall publish and furnish such schedule to the public. The compensation court shall review such schedule at least biennially and adopt appropriate changes when necessary. The compensation court may contract with any person, firm, corporation, organization, or government agency to secure adequate data to establish such fees. The provider or supplier of such services

shall not collect or attempt to collect from any employer, insurer, government, or injured employee or dependent or the estate of any injured or deceased employee any amount in excess of the ~~maximum~~ allowable fee ~~established by the compensation court~~ for any such service pursuant to this subsection. The compensation court ~~shall~~ may establish and charge a fee to recover the cost of ~~published~~ publishing fee schedules. Notwithstanding any other provision of this section, the compensation court may exclude from the application of such schedules those services performed under a managed care plan certified pursuant to section 48-120.02.

(2)(a) The employee has the right to select a physician who has maintained the employee's medical records prior to an injury and has a documented history of treatment with the employee prior to an injury or a physician who has maintained the medical records of an immediate family member of the employee prior to an injury and has a documented history of treatment with an immediate family member of the employee prior to an injury. For purposes of this subsection, immediate family member means the employee's spouse, children, parents, stepchildren, and stepparents. The employer shall notify the employee following an injury of such right of selection in a form and manner and within a timeframe established by the compensation court. If the employer fails to notify the employee of such right of selection or fails to notify the employee of such right of selection in a form and manner and within a timeframe established by the compensation court, then the employee has the right to select a physician. If the employee fails to exercise such right of selection in a form and manner and within a timeframe established by the compensation court following notice by the employer pursuant to this subsection, then the employer has the right to select the physician. If selection of the initial physician is made by the employee or employer pursuant to this subsection following notice by the employer pursuant to this subsection, the employee or employer shall not change the initial selection of physician made pursuant to this subsection unless such change is agreed to by the employee and employer or is ordered by the compensation court pursuant to subsection (6) of this section. If compensability is denied by the workers' compensation insurer, risk management pool, or self-insured employer, (i) the employee has the right to select a physician and shall not be made to enter a managed care plan and (ii) the employer is liable for medical, surgical, and hospital services subsequently found to be compensable. If the employer has exercised the right to select a physician pursuant to this subsection and if the compensation court subsequently orders reasonable medical services previously refused to be furnished to the employee by the physician selected by the employer, the compensation court shall allow the employee to select another physician to furnish further medical services. If the employee selects a physician located in a community not the home or place of work of the employee and a physician is available

in the local community or in a closer community, no travel expenses shall be required to be paid by the employer or his or her workers' compensation insurer.

(b) In cases of injury requiring dismemberment or injuries involving major surgical operation, the employee may designate to his or her employer the physician or surgeon to perform the operation.

(c) If the injured employee unreasonably refuses or neglects to avail himself or herself of medical or surgical treatment furnished by the employer, except as herein and otherwise provided, the employer is not liable for an aggravation of such injury due to such refusal and neglect and the compensation court or judge thereof may suspend, reduce, or limit the compensation otherwise payable under the Nebraska Workers' Compensation Act.

(d) If, due to the nature of the injury or its occurrence away from the employer's place of business, the employee or the employer is unable to select a physician using the procedures provided by this subsection, the selection requirements of this subsection shall not apply as long as the inability to make a selection persists.

(e) The physician selected may arrange for any consultation, referral, or extraordinary or other specialized medical services as the nature of the injury requires.

(f) The employer is not responsible for medical services furnished or ordered by any physician or other person selected by the employee in disregard of this section. Except as otherwise provided by the Nebraska Workers' Compensation Act, the employer is not liable for medical, surgical, or hospital services or medicines if the employee refuses to allow them to be furnished by the employer.

(3) No claim for such medical treatment is valid and enforceable unless, within fourteen days following the first treatment, the physician giving such treatment furnishes the employer a report of such injury and treatment on a form prescribed by the compensation court. The compensation court may excuse the failure to furnish such report within fourteen days when it finds it to be in the interest of justice to do so.

(4) All physicians and other providers of medical services attending injured employees shall comply with all the rules and regulations adopted and promulgated by the compensation court and shall make such reports as may be required by it at any time and at such times as required by it upon the condition or treatment of any injured employee or upon any other matters concerning cases in which they are employed. All medical and hospital information relevant to the particular injury shall, on demand, be made available to the employer, the employee, the workers' compensation insurer, and the compensation court. The party requesting such medical and hospital information shall pay the cost thereof. No such relevant information developed in

connection with treatment or examination for which compensation is sought shall be considered a privileged communication for purposes of a workers' compensation claim. When a physician or other provider of medical services willfully fails to make any report required of him or her under this section, the compensation court may order the forfeiture of his or her right to all or part of payment due for services rendered in connection with the particular case.

(5) Whenever the compensation court deems it necessary, in order to assist it in resolving any issue of medical fact or opinion, it shall cause the employee to be examined by a physician or physicians selected by the compensation court and obtain from such physician or physicians a report upon the condition or matter which is the subject of inquiry. The compensation court may charge the cost of such examination to the workers' compensation insurer. The cost of such examination shall include the payment to the employee of all necessary and reasonable expenses incident to such examination, such as transportation and loss of wages.

(6) The compensation court shall have the authority to determine the necessity, character, and sufficiency of any medical services furnished or to be furnished and shall have authority to order a change of physician, hospital, rehabilitation facility, or other medical services when it deems such change is desirable or necessary. Any dispute regarding medical, surgical, or hospital services furnished or to be furnished under this section may be submitted by the parties, the supplier of such service, or the compensation court on its own motion for informal dispute resolution by a staff member of the compensation court or an outside mediator pursuant to section 48-168. In addition, any party or the compensation court on its own motion may submit such a dispute for a medical finding by an independent medical examiner pursuant to section 48-134.01. Issues submitted for informal dispute resolution or for a medical finding by an independent medical examiner may include, but are not limited to, the reasonableness and necessity of any medical treatment previously provided or to be provided to the injured employee. The compensation court may adopt and promulgate rules and regulations regarding informal dispute resolution or the submission of disputes to an independent medical examiner that are considered necessary to effectuate the purposes of this section.

(7) For the purpose of this section, physician has the same meaning as in section 48-151.

(8) The compensation court shall order the employer to make payment directly to the supplier of any services provided for in this section or reimbursement to anyone who has made any payment to the supplier for services provided in this section. No such supplier or payor may be made or become a party to any action before the compensation court.

(9) Notwithstanding any other provision of this section,

a workers' compensation insurer, risk management pool, or self-insured employer may contract for medical, surgical, hospital, and rehabilitation services to be provided through a managed care plan certified pursuant to section 48-120.02. Once liability for medical, surgical, and hospital services has been accepted or determined, the employer may require that employees subject to the contract receive medical, surgical, and hospital services in the manner prescribed in the contract, except that an employee may receive services from a physician selected by the employee pursuant to subsection (2) of this section if the physician so selected agrees to refer the employee to the managed care plan for any other treatment that the employee may require and if the physician so selected agrees to comply with all the rules, terms, and conditions of the managed care plan. If compensability is denied by the workers' compensation insurer, risk management pool, or self-insured employer, the employee may leave the managed care plan and the employer is liable for medical, surgical, and hospital services previously provided. The workers' compensation insurer, risk management pool, or self-insured employer shall give notice to employees subject to the contract of eligible service providers and such other information regarding the contract and manner of receiving medical, surgical, and hospital services under the managed care plan as the compensation court may prescribe.

Sec. 2. Any compensation court document or any compensation court information available by electronic means which reveals the identity of an employee, the nature of an employee's alleged injury, an employee's past or present medical condition, the extent of an employee's disability, the amount, type, or duration of benefits paid to an employee, or the application information for self-insurance is confidential and not open to public inspection or copying, except as otherwise provided in this section and as necessary for the compensation court to administer and enforce other provisions of the Nebraska Workers' Compensation Act. The compensation court shall deny any request to inspect or copy a record that is confidential under this section unless:

(1) The requestor is the employee who is the subject of the record or an attorney or authorized agent of that employee. An attorney or authorized agent of the employee shall provide a written authorization for inspection or copying from the employee;

(2) The requestor is the employer, workers' compensation insurer, risk management pool, or third-party administrator that is a party to the record or an attorney or authorized agent of such employer, workers' compensation insurer, risk management pool, or third-party administrator. An attorney or authorized agent of an employer, workers' compensation insurer, risk management pool, or third-party administrator shall provide a written authorization for inspection or copying from the employer, workers' compensation insurer, risk management pool, or third-party administrator;

(3) The information is used for the purpose of state or

federal investigations or examinations or for the state or federal government to compile statistical information;

(4) The document requested is a pleading filed in a compensation court docketed file, an exhibit offered and received into evidence by the compensation court, or a final order, award, or judgment of the compensation court; or

(5) The information requested identifies the number and nature of any injuries to employees of an employer identified in the request, or any benefits paid to such employees, without revealing the identify of any employee or the medical condition or extent of disability of any employee.

Sec. 3. Section 48-1,110, Revised Statutes Supplement, 2005, is amended to read:

48-1,110 Sections 48-101 to 48-1,117 and section 2 of this act shall be known and may be cited as the Nebraska Workers' Compensation Act.

Sec. 4. Notwithstanding any other provision of law, if an employee who is not a member of a labor organization, as defined in section 48-218, chooses to have legal representation from the labor organization in any grievance or legal action, the employee shall reimburse the labor organization for his or her pro rata share of the actual legal fees and court costs incurred by the labor organization in representing the employee in the grievance or legal action.

Sec. 5. The Revisor of Statutes shall assign section 4 of this act within sections 48-209 to 48-236.

Sec. 6. Original sections 48-120 and 48-1,110, Revised Statutes Supplement, 2005, are repealed.

(Signed) Douglas Cunningham, Chairperson

AMENDMENTS - Print in Journal

Senator Heidemann filed the following amendment to LB 275:
AM2746

(Amendments to AM2660)

1. Insert the following new section:

Sec. 54. Section 60-6,301, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,301 When any motor vehicle, semitrailer, or trailer is operated upon the highways of this state carrying a load in excess of the maximum weight permitted by section 60-6,294, the load shall be reduced or shifted to within such maximum tolerance before being permitted to operate on any public highway of this state, except that:

(1) If any motor vehicle, semitrailer, or trailer exceeds the maximum load on only one axle, only one tandem axle, or only one group of axles when (a) the distance between the first and last axle of such group of axles is twelve feet or less, (b) the excess

axle load is no more than five percent in excess of the maximum load for such axle, tandem axle, or group of axles permitted by such section, while the vehicle or combination of vehicles is within the maximum gross load, and (c) the load on such vehicle is such that it can be shifted or the configuration of the vehicle can be changed so that all axles, tandem axle, or groups of axles are within the maximum permissible limit for such axle, tandem axle, or group of axles, such shift or change of configuration may be made without penalty;

(2) Any motor vehicle, semitrailer, or trailer carrying only a load of livestock may exceed the maximum load as permitted by such section on only one axle, only one tandem axle, or only one group of axles when the distance between the first and last axle of the group of axles is six feet or less if the excess load on the axle, tandem axle, or group of axles is caused by a shifting of the weight of the livestock by the livestock and if the vehicle or combination of vehicles is within the maximum gross load as permitted by such section;

(3) With a permit issued by the Department of Roads or the Nebraska State Patrol, a truck with an enclosed body and a compacting mechanism, designed and used exclusively for the collection and transportation of garbage or refuse, may exceed the maximum load as permitted by such section by no more than twenty percent on only one axle, only one tandem axle, or only one group of axles when the vehicle is laden with garbage or refuse if the vehicle is within the maximum gross load as permitted by such section. There shall be a permit fee of ten dollars per month or one hundred dollars per year. The permit may be issued for one or more months up to one year, and the term of applicability shall be stated on the permit;

(4) Any motor vehicle, semitrailer, or trailer carrying any kind of a load, including livestock, which exceeds the legal maximum gross load by five percent or less may proceed on its itinerary and unload the cargo carried thereon to the maximum legal gross weight at the first unloading facility on the itinerary where the cargo can be properly protected. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator; and

(5) ~~Any motor vehicle, semitrailer, or trailer carrying grain or other seasonally harvested products may operate from the field where such grain or products are harvested to storage, market, or stockpile in the field or from stockpile to market or factory up to seventy miles with a load that exceeds the maximum load permitted by section 60-6,294 by fifteen percent on any tandem axle, group of axles, and gross weight.~~ For carrying grain or other seasonally harvested products from the field where such grain or products are harvested to storage, market, or stockpile in the field or from stockpile to market or factory up to seventy miles: (a) Any motor vehicle, semitrailer, or trailer may operate with a

load that exceeds the maximum load permitted by section 60-6,294 by fifteen percent on any tandem axle, group of axles, and gross weight; and (b) any truck with no more than two axles may operate with a load that exceeds the maximum load and gross weight for a single axle permitted by section 60-6,294 by fifteen percent. The owner or a representative of the owner of the agricultural product shall furnish the driver of the loaded vehicle a signed statement of origin and destination.

Nothing in this section shall be construed to permit to be operated on the National System of Interstate and Defense Highways any vehicle or combination of vehicles which exceeds any of the weight limitations applicable to such system as contained in section 60-6,294.

If the maximum legal gross weight or axle weight of any vehicle is exceeded by five percent or less and the arresting peace officer or carrier enforcement officer has reason to believe that such excessive weight is caused by snow, ice, or rain, the officer may issue a warning citation to the operator.

2. On page 58, line 16, after "60-4,182," insert "60-6,301,".

3. Renumber the remaining sections accordingly.

Senators Mines, Brashear, and Landis filed the following amendment to LB 876:
(Amendment, AM2736, is printed separately and available in the Bill Room, Room 1104.)

Senators Kremer, Baker, Mines, and Stuhr filed the following amendment to LB 1226:
AM2723
(Amendments to Standing Committee amendments, AM2578)

1. Insert the following new sections:

Sec. 29. Section 61-201, Reissue Revised Statutes of Nebraska, is amended to read:

61-201 The Director of Natural Resources shall be qualified by education, training, and ~~business~~ experience to manage and supervise the Department of Natural Resources. The director, deputy director, or manager of the permits and registration division shall be a professional engineer as provided in the Engineers and Architects Regulation Act and shall have had at least five years' experience in a position of responsibility in irrigation work.

Sec. 30. Section 61-202, Reissue Revised Statutes of Nebraska, is amended to read:

61-202 The Director of Natural Resources may employ such personnel, including legal and technical advisors, as necessary to carry out the duties required of the director. All powers and duties lawfully conferred upon the Department of Natural Resources shall be exercised under the direction of the director. The

director shall:

(1) Have charge of the records of the department;

(2) Cause accurate and complete books of account to be kept;

(3) Supervise the signing of vouchers and orders for supplies, materials, and any other expenditures;

(4) Contract for consulting services;

(5) Employ all engineers, assistants, clerks, agents, advisors, technicians, and other employees required for the proper transaction of the business of the department and fix their titles, determine their duties and compensation, and discharge them in the discretion of the director;

(6) Sign and execute or supervise the signing and executing of all documents and papers; and

(7) Work with the Nebraska Natural Resources Commission to develop and implement the policies and programs of the commission.

2. Amend the operative date and repealer sections so that the sections added by this amendment become operative three calendar months after adjournment of this legislative session.

3. Renumber the remaining sections and correct internal references accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 817. Placed on Select File.

LEGISLATIVE BILL 746. Placed on Select File as amended.
E & R amendment to LB 746:
AM7181

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. It is the intent of the Legislature to expand the capacity to provide civil legal services to eligible low-income persons equally throughout the state.

Sec. 2. For purposes of sections 1 to 4 of this act, the definitions found in section 25-3001 apply.

Sec. 3. The Civil Legal Services Program is created. Appropriations to the program shall be used to provide grants for civil legal services to eligible low-income persons. The State Court Administrator shall distribute grants pursuant to section 4 of this act.

Sec. 4. (1) The State Court Administrator shall establish guidelines for submission of applications for grants to provide civil legal services to eligible low-income persons. To be eligible for a grant under this section, a civil legal services provider shall:

(a) Be a nonprofit organization chartered in Nebraska;

(b) Employ or contract with attorneys admitted to practice before the Nebraska Supreme Court and the United States District Courts;

(c) Have offices located throughout the state;

(d) Have as its principal purpose and mission the delivery of civil legal services to eligible low-income persons who are residents of Nebraska;

(e) Distribute its resources equitably throughout the state;

(f) Be a recipient of financial assistance for the delivery of civil legal services from the Legal Services Corporation established by the federal Legal Services Corporation Act, 42 U.S.C. 2996 et seq.; and

(g) Certify that any grant funds received pursuant to this section will be used to supplement any existing funds used by the applicant and that such funds will not replace other funds appropriated or awarded by a state agency to provide civil legal services to any eligible low-income person.

(2) A civil legal services provider seeking a grant under this section shall file an application with the State Court Administrator on forms provided by the administrator. The application shall include a place for the provider to certify to the administrator that it will provide free civil legal services to eligible low-income persons upon receipt of a grant under this section.

(3) The State Court Administrator shall review the applications and determine which civil legal services providers shall receive grants under this section and the amount of the grants. Grant recipients shall use the grant funds to provide free civil legal services to eligible low-income persons.

(4) An independent certified public accountant shall annually audit the books and accounts of each grant recipient. The grant recipients shall provide the results of such audit to the State Court Administrator.

2. On page 1, strike beginning with "appropriations" in line 1 through line 3 and insert "legal services; to state intent; and to provide for grants for civil legal services to eligible low-income persons.".

(Signed) Michael Flood, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1060. Senator Connealy renewed his pending amendment, AM2677, found on page 1020, to the Standing Committee amendment.

The Connealy amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Pending.

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 1199. Placed on General File as amended.
(Standing Committee amendment, AM2715, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Patrick J. Bourne, Chairperson

AMENDMENTS - Print in Journal

Senator Baker filed the following amendment to LB 1222:
AM2745

(Amendments to Standing Committee amendments, AM2238)

1. Strike section 25.
2. On page 1, line 21, strike "2007" and insert "2009".
3. On page 8, line 13, strike "26" and insert "25";
and in line 22 after "month" insert "or has a positive balance greater than or equal to the surcharge amount, as determined by the wireless carrier".
4. On page 9, line 21, after the second occurrence of "customer" insert "or a customer in a county containing a city of the metropolitan class"; and after the period in line 24 insert "Each wireless carrier who has a customer in a county containing a city of the metropolitan class shall collect a surcharge of not more than fifty cents.".
5. On page 11, line 9, strike "Each" and insert "As the commission may require, each".
6. On page 16, line 9, after "86-465," insert "and" and strike "and 86-468,".
7. Renumber the remaining sections accordingly.

Senator Byars filed the following amendment to LB 994:
AM2753

(Amendments to E & R amendments, AM7178)

1. Insert the following new section:
Sec. 30. Section 68-1804, Revised Statutes Cumulative Supplement, 2004, is amended to read:
68-1804 (1) The ICF/MR Reimbursement Protection Fund is created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Interest and income earned by the fund shall be credited to the fund.
(2) For fiscal year 2004-05, proceeds from the tax imposed under section 68-1803 shall be allocated as follows:

(a) First, fifty-five thousand dollars to the department for administration of the fund;

(b) Second, payment to intermediate care facilities for the mentally retarded for the cost of the tax;

(c) Third, three hundred thousand dollars, in addition to any federal medicaid matching funds, for increases in payments to non-state-operated intermediate care facilities for the mentally retarded which shall be such facilities' only increase in payments for such fiscal year;

(d) Fourth, three hundred twelve thousand dollars, in addition to any federal medicaid matching funds, for payment to providers of community-based services for the purpose of reducing the waiting list of persons with developmental disabilities; and

(e) Fifth, any money remaining in the fund after the allocations required by subdivisions (2)(a) through (d) of this section have been made shall be transferred to the General Fund.

(3) For FY2005-06~~, and each fiscal year thereafter,~~ proceeds from the tax imposed pursuant to section 68-1803 shall be remitted to the State Treasurer for credit as follows:

(a) To the ICF/MR Reimbursement Protection Fund for allocation as described in this subdivision: (i) Fifty-five thousand dollars for administration of the fund; (ii) the amount needed to reimburse intermediate care facilities for the mentally retarded for the cost of the tax; (iii) three hundred thousand dollars for payment of rates to non-state-operated intermediate care facilities; and (iv) three hundred twelve thousand dollars for community-based services for persons with developmental disabilities; and

(b) To the General Fund: The remainder of the proceeds.

(4) For FY2006-07 and each fiscal year thereafter, proceeds from the tax imposed pursuant to section 68-1803 shall be remitted to the State Treasurer for credit as follows:

(a) To the ICF/MR Reimbursement Protection Fund for allocation as described in this subdivision: (i) Fifty-five thousand dollars for administration of the fund; (ii) the amount needed to reimburse intermediate care facilities for the mentally retarded for the cost of the tax; (iii) twenty-five percent of the funds collected pursuant to subsection (1) of section 68-1803 for payment of rates to non-state-operated intermediate care facilities for the mentally retarded; and (iv) twenty-five percent of the funds collected pursuant to subsection (1) of section 68-1803 for community-based services for persons with developmental disabilities; and

(b) To the General Fund: The remainder of the proceeds.

2. Amend the operative date and repealer sections so that the section added by this amendment becomes operative three calendar months after adjournment of this legislative session.

3. Renumber the remaining sections and correct internal references accordingly.

Senator Hudkins filed the following amendment to LB 654:
AM2756
1. On page 2, after line 4 insert:
"(b) Custody determination includes both temporary custody determinations and permanent custody determinations;"; in line 5 strike "(b)" and insert "(c)"; in line 7 strike "(c)" and insert "(d)"; and in line 11 strike "(d)" and insert "(e)".
2. On page 3, line 2, after the period insert "At a custody determination hearing, the evidence offered by the parties shall not be limited to affidavits unless all parties consent to such limitation.".

Senator Jensen filed the following amendment to LB 994:
(Amendment, AM2754, is printed separately and available in the Bill Room, Room 1104.)

Senator Jensen filed the following amendment to LB 994:
(Amendment, AM2750, is printed separately and available in the Bill Room, Room 1104.)

GENERAL FILE

LEGISLATIVE BILL 1060. Senator Fischer asked unanimous consent to withdraw her pending amendment, AM2713, found on page 1034, and replace it with her substitute amendment, AM2761, to the Standing Committee amendment. No objections. So ordered.
AM2761
(Amendments to Standing Committee amendments, AM2581)
1. On page 120, line 16, strike "$5,000,000" and insert "$1,500,000".

SENATOR BAKER PRESIDING

SENATOR CUDABACK PRESIDING

Senator Smith moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Senator Fischer moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Fischer requested a roll call vote on her amendment.

Voting in the affirmative, 19:

Baker	Engel	Friend	Langemeier	Redfield
Brown	Erdman	Heidemann	Louden	Smith
Burling	Fischer	Hudkins	McDonald	Stuhr
Cunningham	Flood	Kremer	Mines	

Voting in the negative, 8:

Aguilar	Chambers	Kopplin	Thompson
Beutler	Jensen	Schimek	Wehrbein

Present and not voting, 18:

Bourne	Cudaback	Johnson	Preister	Stuthman
Brashear	Foley	Kruse	Price	Synowiecki
Byars	Howard	Pahls	Raikes	
Cornett	Janssen	Pederson, D.	Schrock	

Excused and not voting, 4:

Combs	Connealy	Landis	Pedersen, Dw.

The Fischer amendment lost with 19 ayes, 8 nays, 18 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR 309 was referred to the Reference Committee.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	**Committee**
LR 309	Government, Military and Veterans Affairs

(Signed) L. Patrick Engel, Chairperson
Legislative Council, Executive Board

AMENDMENT - Print in Journal

Senator Beutler filed the following amendment to LB 75:
AM2762

(Amendments to Final Reading copy)

1. On page 1, line 5; and page 3, line 2, strike "certain".

2. On page 2, strike beginning with "except" in line 12 through the first comma in line 13.

GENERAL FILE

LEGISLATIVE BILL 1060. Senator Janssen withdrew his pending amendment, AM2726, found on page 1036.

Senator Chambers withdrew his pending amendment, AM2730, found on page 1037.

Senator Chambers renewed his pending amendment, AM2731, found on page 1046, to the Standing Committee amendment.

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The Chambers amendment was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Howard offered the following amendment to the Standing Committee amendment:
AM2749
(Amendments to Standing Committee amendments, AM2581)

1. On page 27, lines 15 and 16, strike "365,000" and insert "865,000"; in line 20 strike "and"; and in line 23 before the period insert "; and
Home visitation and other secondary prevention services included in section 68-1202 -- $500,000 General Funds".

Senator Howard moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Howard requested a roll call vote on her amendment.

Voting in the affirmative, 20:

Aguilar	Combs	Jensen	McDonald	Schimek
Beutler	Connealy	Johnson	Pahls	Schrock
Byars	Cornett	Kopplin	Preister	Thompson
Chambers	Howard	Louden	Price	Wehrbein

Voting in the negative, 11:

Baker	Erdman	Hudkins	Redfield
Cunningham	Foley	Pederson, D.	Smith
Engel	Friend	Raikes	

Present and not voting, 16:

Bourne	Cudaback	Janssen	Mines
Brashear	Fischer	Kremer	Stuhr
Brown	Flood	Kruse	Stuthman
Burling	Heidemann	Langemeier	Synowiecki

Excused and not voting, 2:

Landis	Pedersen, Dw.

The Howard amendment lost with 20 ayes, 11 nays, 16 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Langemeier reoffered his amendment, AM2676, found on page 1019 and considered in this day's Journal, to the Standing Committee amendment.

Senator Langemeier moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Senator Langemeier requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Baker	Cunningham	Kopplin	McDonald	Stuthman
Burling	Flood	Kremer	Mines	
Byars	Heidemann	Langemeier	Pahls	
Connealy	Janssen	Louden	Stuhr	

Voting in the negative, 7:

Aguilar	Engel	Pederson, D.	Wehrbein
Beutler	Howard	Smith	

Present and not voting, 23:

Bourne	Cornett	Friend	Preister	Schrock
Brashear	Cudaback	Hudkins	Price	Synowiecki
Brown	Erdman	Jensen	Raikes	Thompson
Chambers	Fischer	Johnson	Redfield	
Combs	Foley	Kruse	Schimek	

Excused and not voting, 2:

Landis Pedersen, Dw.

The Langemeier amendment lost with 17 ayes, 7 nays, 23 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Beutler offered the following amendment to the Standing Committee amendment:
FA609
(Amendments to Standing Committee amendments, AM2581)
1. On page 120, line 16, strike "$5,000,000" and insert "$2,000,000".

The Beutler amendment was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

The Standing Committee amendment, AM2581, printed separately and referred to on page 946 and considered on page 1023, was renewed.

The Standing Committee amendment, as amended, was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Senator Beutler withdrew his pending amendment, FA545, found on page 950.

Advanced to E & R for review with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

SPEAKER BRASHEAR PRESIDING

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 298 and 299 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 298 and 299.

AMENDMENTS - Print in Journal

Senator Baker filed the following amendment to LB 1222:
AM2775
(Amendments to Standing Committee amendments, AM2238)
1. On page 10, line 12, strike "Each" and insert "Beginning on July 1, 2007, each".

Senator Chambers filed the following amendment to LB 287:
AM2779

(Amendments to AM2700)

1. On page 1, line 4, strike "substantial" and insert "legitimate and legally cognizable"; in line 6 strike "loss of deceased" and insert "death of"; in line 8 after "recognizes" insert "that" and after "a" insert "constitutional"; in line 9 after "and" insert "that"; in lines 14 and 23 after "worship" insert "during a funeral"; in line 18 strike "(1)" and insert "For purposes of sections 1 to 3 of this act, the following definitions apply:

(1)"; in line 20 strike the period and insert "or highways; and"; and in line 21 after "Picketing" insert "of a funeral".

Senator Chambers filed the following amendment to LB 1060:
FA611

Amendment to AM2441

P. 2, line 27 strike "The department may prioritize applications for contracts" and on page 3 in lines 1 and 2 strike "with a preference for local public health departments, hospitals, and federally qualified health centers."

Senator Chambers filed the following amendment to LB 1060:
FA612

Amendment to AM2441

P. 3, strike in line 4 beginning with "The" through the period in line 7.

Senator Flood filed the following amendment to LB 1060:
FA613

Strike the enacting clause.

RESOLUTION

LEGISLATIVE RESOLUTION 311. Introduced by Synowiecki, 7.

WHEREAS, the Omaha Central High School Eagles boys' basketball team won the Nebraska State Class A Boys' Basketball Championship on March 11, 2006; and

WHEREAS, the Omaha Central High School Eagles defeated Bellevue West 84-79 in overtime; and

WHEREAS, the Omaha Central High School Eagles won the first boys' basketball championship for the school since 1975; and

WHEREAS, the Omaha Central High School Eagles won the first boys' basketball championship for the Omaha Public Schools system since 1992; and

WHEREAS, the Omaha Central High School Eagles finished the season with an impressive record of twenty-four wins and four losses; and

WHEREAS, the Omaha Central High School Eagles finished the regular season ranked number one in the Omaha World Herald state rankings; and

WHEREAS, the Omaha Central High School Eagles' All-Tournament team members included All-Tournament team captain sophomore Ronnell Grixby and sophomore Josh Jones; and

WHEREAS, the Omaha Central High School Eagles' sophomore Josh Jones lead the team in state tournament scoring with 18.7 points per game and regular season scoring with 14.4 points per game; and

WHEREAS, the Omaha Central High School Eagles team members include Bryant Cotton, Steven Fiscus, Rodney Grace, Chris Griffin, Ronnell Grixby, John Hill, Josh Jones, Tim Kanger, Ben Kline, Drew Meier, Fred Perry, Vondrae Tostenson, and Lorenzo Wilson; and

WHEREAS, the Omaha Central High School Eagles head coach Eric Behrens has led the team to five state tournaments and one state championship in five seasons as head coach.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Omaha Central High School Eagles boys' basketball team be congratulated for winning the 2006 Nebraska State Class A Boys' Basketball Championship.

2. That a copy of this resolution be sent to each member of the Omaha Central High School Eagles boys' basketball team and head coach Eric Behrens.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Senator Aguilar asked unanimous consent to add his name as cointroducer to LB 842. No objections. So ordered.

VISITORS

Visitors to the Chamber were students from Marrs Magnet Middle School, Omaha; 10 eighth-grade students and teacher from St. Mary's School, Lincoln; and Talia Head from Omaha.

The Doctor of the Day was Dr. Gilbert Head from Omaha.

ADJOURNMENT

At 6:15 p.m., on a motion by Senator Cunningham, the Legislature adjourned until 9:00 a.m., Thursday, March 16, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-FIFTH DAY - MARCH 16, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

FORTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 16, 2006

PRAYER

The prayer was offered by Father Paul Rutten, Madonna Rehabilitation Hospital, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Bourne who was excused; and Senators Brashear, Brown, Combs, Cornett, Cunningham, Langemeier, Mines, Dw. Pedersen, Price, Raikes, and Synowiecki who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fourth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 15, 2006, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Anderson, Steven
Institute For Justice

Fahleson, Mark A.
Linweld, Inc.

Horn, Ryan
Wal-Mart Stores, Inc.

Zeigler, Jenifer
Institute For Justice

REPORTS

The following reports were received by the Legislature:

Geographic Information Systems (GIS) Steering Committee
Annual Report and Strategic Plan Update of Building a Spatial Data Infrastructure for Nebraska
Revenue, Department of
Employment and Investment Growth Act, Employment Expansion and Investment Incentive Act (including Enterprise Zone Act), Quality Jobs Act, Rural Economic Opportunities Act, and Invest Nebraska Act (LB 775, LB 1124, LB 608, LB 829, and LB 620)

GENERAL FILE

LEGISLATIVE BILL 746A. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 817A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

MOTION - Return LB 32 to Select File

Senator Beutler moved to return LB 32 to Select File for the following specific amendment:
FA614
Strike the enacting clause.

Senator Beutler withdrew his motion to return.

ANNOUNCEMENT

The Chair announced today is Senator Brashear's birthday.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 32.

A BILL FOR AN ACT relating to natural resources districts; to amend

section 2-3218, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to per diem payments for board members as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Aguilar	Cornett	Howard	Louden	Redfield
Baker	Cudaback	Janssen	McDonald	Schimek
Beutler	Cunningham	Jensen	Mines	Schrock
Brashear	Engel	Johnson	Pahls	Smith
Brown	Erdman	Kopplin	Pedersen, Dw.	Stuhr
Byars	Fischer	Kremer	Pederson, D.	Stuthman
Chambers	Flood	Kruse	Preister	Synowiecki
Combs	Foley	Landis	Price	Thompson
Connealy	Friend	Langemeier	Raikes	Wehrbein

Voting in the negative, 0.

Excused and not voting, 4:

Bourne	Burling	Heidemann	Hudkins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 248.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3,186 and 60-3,187, Revised Statutes Supplement, 2005; to change provisions relating to collection of motor vehicle fees and taxes; to change motor vehicle tax calculations as prescribed; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Aguilar	Cornett	Howard	Louden	Redfield
Baker	Cudaback	Janssen	McDonald	Schimek
Beutler	Cunningham	Jensen	Mines	Schrock
Brashear	Engel	Johnson	Pahls	Smith
Brown	Erdman	Kopplin	Pedersen, Dw.	Stuhr
Byars	Fischer	Kremer	Pederson, D.	Stuthman
Chambers	Flood	Kruse	Preister	Synowiecki
Combs	Foley	Landis	Price	Thompson
Connealy	Friend	Langemeier	Raikes	

Voting in the negative, 0.

Present and not voting, 1:

Wehrbein

Excused and not voting, 4:

Bourne	Burling	Heidemann	Hudkins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 647 with 35 ayes, 2 nays, 8 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 647.

A BILL FOR AN ACT relating to corporations and other companies; to amend sections 21-2601, 21-2603, 21-2606, 21-2610, 21-2613, 21-2631.01, 21-2632, and 21-2634, Reissue Revised Statutes of Nebraska, and sections 21-301, 21-304, 21-330, 21-2607, 21-2631, and 21-2639, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to occupation tax biennial reports and claims for excess tax payments; to change provisions relating to the Limited Liability Company Act; to define terms; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Aguilar	Cornett	Howard	Louden	Redfield
Baker	Cudaback	Janssen	McDonald	Schimek
Beutler	Cunningham	Jensen	Mines	Schrock
Brashear	Engel	Johnson	Pahls	Smith
Brown	Erdman	Kopplin	Pedersen, Dw.	Stuhr
Byars	Fischer	Kremer	Pederson, D.	Stuthman
Chambers	Foley	Kruse	Preister	Synowiecki
Combs	Friend	Landis	Price	Thompson
Connealy	Heidemann	Langemeier	Raikes	Wehrbein

Voting in the negative, 0.

Present and not voting, 1:

Flood

Excused and not voting, 3:

Bourne	Burling	Hudkins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 647A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 647, Ninety-ninth Legislature, Second Session, 2006.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Aguilar	Cudaback	Janssen	Mines	Smith
Baker	Cunningham	Jensen	Pahls	Stuhr
Beutler	Engel	Johnson	Pedersen, Dw.	Stuthman
Brashear	Erdman	Kopplin	Pederson, D.	Synowiecki
Brown	Fischer	Kremer	Preister	Thompson
Byars	Flood	Kruse	Price	Wehrbein
Chambers	Foley	Landis	Raikes	
Combs	Friend	Langemeier	Redfield	
Connealy	Heidemann	Louden	Schimek	
Cornett	Howard	McDonald	Schrock	

Voting in the negative, 0.

Excused and not voting, 3:

Bourne	Burling	Hudkins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1019 with 37 ayes, 3 nays, 6 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1019. With Emergency.

A BILL FOR AN ACT relating to retirement systems; to amend sections 71-1631, 72-1237, 79-966.01, 79-987, and 84-1503.02, Reissue Revised Statutes of Nebraska, sections 23-2301, 23-2305.01, 23-2317, 81-2026, 84-1301, 84-1305.02, and 84-1319, Revised Statutes Cumulative Supplement, 2004, and sections 23-2308.01, 24-703, 79-902, 79-992, 81-2017, 84-1309.02, and 84-1503.03, Revised Statutes Supplement, 2005; to define and redefine terms; to provide for payment of dividends; to change provisions relating to defined benefit plans, annuities, contribution amounts, public health departments, refunds of contributions, and the Public Employees Retirement Board as prescribed; to change the terms of members of the Nebraska Investment Council as prescribed; to provide a duty for the School Employees Retirement System; to eliminate obsolete provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 50-417.01, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Aguilar	Cudaback	Janssen	Mines	Smith
Baker	Cunningham	Jensen	Pahls	Stuhr
Beutler	Engel	Johnson	Pedersen, Dw.	Stuthman
Brashear	Erdman	Kopplin	Pederson, D.	Synowiecki
Brown	Fischer	Kremer	Preister	Thompson
Byars	Flood	Kruse	Price	Wehrbein
Chambers	Foley	Landis	Raikes	
Combs	Friend	Langemeier	Redfield	
Connealy	Heidemann	Louden	Schimek	
Cornett	Howard	McDonald	Schrock	

Voting in the negative, 0.

Excused and not voting, 3:

Bourne Burling Hudkins

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER BRASHEAR PRESIDING

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 300 and 301 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 300 and 301.

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 32, 248, 647, 647A, and 1019.

RESOLUTION

LEGISLATIVE RESOLUTION 312. Introduced by Stuthman, 22.

WHEREAS, the Humphrey St. Francis Flyers boys' and girls' basketball teams both won the Class D-1 championship at the 2006 Nebraska State Basketball Championships; and

WHEREAS, the Humphrey St. Francis boys' basketball team defeated Axtell 70-34 in the championship game to finish the season with twenty-three wins and three losses; and

WHEREAS, the Humphrey St. Francis girls' basketball team defeated Cross County 56-50 in the championship game to finish the season with twenty-five wins and one loss; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Humphrey St. Francis on having both the boys' and girls' Class D-1 championship basketball teams.

2. That a copy of this resolution be sent to both Humphrey St. Francis Flyers teams and their coaches, boys' head coach Eric Kessler and girls' head coach Brian Reichmuth.

Laid over.

AMENDMENTS - Print in Journal

Senator D. Pederson filed the following amendment to LB 962:
AM2780

1. Insert the following new sections:

Sec. 2. The Legislature finds that:

(1) Expansion and diversification of Nebraska's economy is necessary in order to sustain essential public services sponsored or aided by the state;

(2) Increasing the number of Nebraskans with high levels of educational attainment is essential to support economic expansion and diversification;

(3) In order to increase the number of Nebraskans with high levels of educational attainment, the state's postsecondary education system shall include, but not be limited to, the following key priorities that were identified by the LR 174 Task Force of 2003:

(a) Increasing the number of students who enter postsecondary education in Nebraska;

(b) Increasing the percentage of students who enroll and successfully complete a degree; and

(c) Reducing, eliminating, and then reversing the net out-migration of Nebraskans with high levels of educational attainment; and

(4) Unprecedented collaboration and cooperation between and among educational institutions and sectors will be necessary to develop community, regional, and statewide strategies to achieve progress toward these priorities and to assist the state in serving Nebraska students and allowing them to reach their academic caliber.

Sec. 3. On or before March 15 of each year, the Coordinating Commission for Postsecondary Education shall provide a report that evaluates progress toward attainment of the priorities listed in subdivision (3) of section 2 of this act. The Education Committee of the Legislature shall review the report at a public hearing and report its findings to the Legislature.

2. Renumber the remaining section accordingly.

Senator Chambers filed the following amendment to LB 1060:
FA615

P. 95, strike lines 3-8.

Senator Chambers filed the following amendment to LB 1060:
FA616

Amendments to Standing Committee amendments, AM2581

1. On page 27, lines 15 and 16, strike "365,000" and insert "865,000"; in line 20 strike "and"; and in line 23 before the period insert "; and

Home visitation and other secondary prevention services included in section 68-1202 -- $500,000 General Funds".

SELECT FILE

LEGISLATIVE BILL 562. E & R amendment, AM7176, printed separately and referred to on page 966, was adopted.

Senator Chambers offered the following motion:
Indefinitely postpone.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 16, 2006, at 11:15 a.m. were the following: LBs 32, 248, 647, 647A, and 1019e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

AMENDMENTS - Print in Journal

Senator Byars filed the following amendment to LB 968:
AM2782

(Amendments to Standing Committee amendments, AM2582)

1. Insert the following new section:

Sec. 2. Section 77-2704.12, Revised Statutes Supplement, 2005, is amended to read:

77-2704.12 (1) Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of purchases by any organization created exclusively for religious purposes, any nonprofit organization providing services exclusively to the blind, any private educational institution established under sections 79-1601 to 79-1607, any private college or university established under sections 85-1101 to 85-1111, any hospital, health clinic when two or more hospitals or the parent corporations of the hospitals own or control the health clinic for the purpose of reducing the cost of health services or when the health clinic receives federal funds through the United States Public Health Service for the purpose of serving populations that are medically underserved, skilled nursing facility, intermediate care facility, intermediate care facility for the mentally retarded, nursing facility, home health agency, hospice or hospice service, or respite care service licensed under the Health Care Facility Licensure Act and organized not for profit, any licensed child-caring agency, ~~or~~ any licensed child placement agency, or any nonprofit organization providing community-based services for persons with developmental

disabilities.

(2) Any organization listed in subsection (1) of this section shall apply for an exemption on forms provided by the Tax Commissioner. The application shall be approved and a numbered certificate of exemption received by the applicant organization in order to be exempt from the sales and use tax.

(3) The appointment of purchasing agents shall be recognized for the purpose of altering the status of the construction contractor as the ultimate consumer of building materials which are physically annexed to the structure and which subsequently belong to the owner of the organization or institution. The appointment of purchasing agents shall be in writing and occur prior to having any building materials annexed to real estate in the construction, improvement, or repair. The contractor who has been appointed as a purchasing agent may apply for a refund of or use as a credit against a future use tax liability the tax paid on inventory items annexed to real estate in the construction, improvement, or repair of a project for a licensed not-for-profit institution.

(4) Any organization listed in subsection (1) of this section which enters into a contract of construction, improvement, or repair upon property annexed to real estate without first issuing a purchasing agent authorization to a contractor or repairperson prior to the building materials being annexed to real estate in the project may apply to the Tax Commissioner for a refund of any sales and use tax paid by the contractor or repairperson on the building materials physically annexed to real estate in the construction, improvement, or repair.

(5) Any person purchasing, storing, using, or otherwise consuming building materials in the performance of any construction, improvement, or repair by or for any institution enumerated in subsection (1) of this section which is licensed upon completion although not licensed at the time of construction or improvement, which building materials are annexed to real estate and which subsequently belong to the owner of the institution, shall pay any applicable sales or use tax thereon. Upon becoming licensed and receiving a numbered certificate of exemption, the institution organized not for profit shall be entitled to a refund of the amount of taxes so paid in the performance of such construction, improvement, or repair and shall submit whatever evidence is required by the Tax Commissioner sufficient to establish the total sales and use tax paid upon the building materials physically annexed to real estate in the construction, improvement, or repair.

2. Correct the operative date section and repealer so that the section added by this amendment becomes operative on October 1, 2006.

3. Renumber the remaining sections and correct internal references accordingly.

Senator Brashear filed the following amendment to LB 1060:
AM2784

(Amendments to Standing Committee amendments, AM2581)

1. On page 98, after line 23 insert:

"It is the intent of the Legislature that the Department of Correctional Services determine the amount necessary to reimburse counties for eligible county jail reimbursement claims for FY2006-07 and FY2007-08. The department shall encourage the counties to submit their claims for the entire fiscal year regardless of whether there are available appropriations. The department shall submit a report to the Chairperson of the Appropriations Committee as to such claims no later than July 31, 2007, and July 31, 2008, and shall include the total amount necessary to reimburse the counties for their costs for housing a state prisoner pursuant to section 47-119.01 in its FY2007-08 and FY2008-09 budget requests so that the Legislature is aware of the cost to the counties for maintaining state prisoners.".

UNANIMOUS CONSENT - Add Cointroducers

Senator Redfield asked unanimous consent to add her name as cointroducer to LB 562. No objections. So ordered.

Senator Smith asked unanimous consent to add his name as cointroducer to LBs 808, 915, 968, and 990. No objections. So ordered.

Senator Preister asked unanimous consent to add his name as cointroducer to LB 968. No objections. So ordered.

VISITORS

Visitors to the Chamber were Bernard and Carol Mollard from Amherst, and Lauren Mollard and Anita and Matthew Case from Kearney; 16 members of Leadership Columbus; Senator Beutler's father-in-law, Nye Bond, from Lincoln; 4 fifth-grade students from Arlington Public and St. Paul's Lutheran School, Arlington; 40 third- and fourth-grade students and teacher from Sterling; Randy Billups and Eric Slater from Nebraska Lincoln Community Correctional Center; 25 kindergarten through eighth-grade students and teacher from Omaha Catholic Home Schools, Bellevue; 19 fourth-grade students and teacher from Pawnee Elementary School, Pawnee City; and Senator Stuhr's son, daughter-in-law, and grandson, Boyd, Laurie, and Austin Stuhr with 18 first- and second-grade students, teacher, and parents from Hampton Lutheran School, Hampton.

The Doctor of the Day was Dr. Carol LaCroix from Omaha.

ADJOURNMENT

At 11:53 a.m., on a motion by Senator Friend, the Legislature adjourned until 10:00 a.m., Tuesday, March 21, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 22, 2006

PRAYER

The prayer was offered by Father David Smith, Creighton University Retreat Center, Griswald, Iowa.

ROLL CALL

Pursuant to Rule 1, Sec. 16(b)(1), the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Dw. Pedersen who was excused; and Senators Aguilar, Cornett, Erdman, Heidemann, Hudkins, Raikes, Stuthman, and Synowiecki who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fifth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 605. Placed on Select File as amended.
E & R amendment to LB 605:
AM7187

1. On page 1, strike lines 2 through 6 and insert "state intent; to create the University of Nebraska Facilities Program of 2006 and the State Colleges Facilities Program of 2006; to provide powers and duties for the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges relating to construction and improvement projects;".

LEGISLATIVE BILL 605A. Placed on Select File as amended.
E & R amendment to LB 605A:
AM7188

1. On page 1, line 3, strike "First Session, 2005" and insert "Second Session, 2006".

LEGISLATIVE BILL 1208. Placed on Select File as amended.
E & R amendment to LB 1208:
AM7190

1. On page 1, line 1, strike "funding" and after "sections" insert "79-704,"; in line 3 after the last comma insert "79-1319,"; in line 12 after the comma insert "course offerings, mentor teacher programs,"; and in line 14 strike "and educational services units" and insert "telecommunications facilities, educational service units, and educational technology".

2. On page 2, line 1, strike "distance education and" and insert "and eliminate distance education programs and related"; and in line 3 strike "program" and insert "consortium, a task force, technology programs".

3. On page 6, line 17, strike "each fiscal year" and show as stricken.

4. On page 7, line 1, strike "21 and 22" and insert "22 and 23".

5. On page 42, line 6, strike "17" and insert "18".

6. On page 45, lines 13 and 14, strike "as defined in section 79-1201.01".

7. On page 51, line 9, strike "16 to 22" and insert "17 to 23".

8. On page 52, line 4, strike "28" and insert "30".

9. On page 52, line 9; and page 54, line 3, strike "education" and insert "educational".

10. On page 55, line 23; and page 56, line 5, strike "22" and insert "23".

11. On page 57, line 25, strike "that" and insert "who".

12. On page 58, line 7, strike "current" and insert "then-current"; and in line 10 after "course" insert an underscored comma.

13. On page 59, line 20, after "student" insert "who was" and after "district" insert "which was".

14. On page 60, line 1, strike "21" and insert "22"; and in line 3 after "unit" insert an underscored comma.

15. On page 66, line 6; and page 67, line 18, strike "28" and insert "30".

16. On page 68, line 5, strike the last comma; in line 21 after "sections" insert "79-704,"; and in line 23 after the second comma insert "79-1319,".

LEGISLATIVE BILL 1208A. Placed on Select File as amended.
E & R amendment to LB 1208A:
AM7189

1. On page 3, line 5, after the second "courses" insert an underscored comma.

LEGISLATIVE BILL 1086. Placed on Select File as amended.

E & R amendment to LB 1086:
AM7186

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Sections 1 to 5 of this act shall be known and may be cited as the Nebraska Prostitution Intervention and Treatment Act.

Sec. 2. The Legislature finds that:

(1) Increasing prostitution in Nebraska has become harmful to communities and neighborhoods, often contributing to both incidents of crime and fear of crime. Prostitution depletes local law enforcement resources and leads to a reduction in the quality of life for the residents and businesses that are within close geographic proximity to concentrated areas of prostitution. Prostitution-related activities create noise, litter, and harassment of residents and businesses and promote declining property values. Residents and businesses in areas within close geographic proximity to prostitution-related activity often feel threatened when solicitors proposition on their streets or when prostitution-related activities are performed in parked cars, empty parking lots, or alleyways;

(2) Many prostitutes use prostitution to support drug and alcohol addictions. In addition, many prostitutes suffer from significant mental health disorders that lead to increased dependency on drugs and alcohol. When panderers are involved, the prostitutes are often subject to physical and psychological abuse;

(3) Solicitors of prostitution are equally contributing sexual offenders;

(4) Resources are needed to coordinate and deliver an array of community-based services to address issues related to prostitution, including, but not limited to, lifestyle choices, substance abuse, mental health disorders, workforce assessment and preparation, education, and other community-based services;

(5) A coordinated array of community-based services delivered to individuals engaged in prostitution-related activity can mitigate individual lifestyle choices and break the cycle of prostitution; and

(6) The quality of life for residents and businesses can be drastically improved when the prevalence of prostitution-related activity is significantly reduced or removed within residential and business areas.

Sec. 3. It is the intent of the Legislature to provide funds for education and treatment of individuals involved in prostitution-related activities.

Sec. 4. (1) The Legislature shall appropriate funds to create a coordinated program of education and treatment for individuals that participate in prostitution-related activities as described in section 28-801.

(2) The Department of Health and Human Services Finance

and Support, in consultation with the regional behavioral health authorities, shall distribute funds to regional behavioral health authorities that can demonstrate to the department a high incidence of prostitution within the behavioral health region. The department may consider the following criteria for regional behavioral health funding under this section:

(a) The number of criminal convictions for prostitution-related activities within the counties that comprise the regional behavioral health authority;

(b) Evidence that prostitution-related activities are impacting residential areas and businesses and the quality of life of residents in such areas and businesses is negatively impacted;

(c) The amount of local law enforcement resources devoted specifically to curtailing prostitution-related activity;

(d) Evidence that the regional behavioral health authorities consulted with recognized neighborhood and business associations within geographic proximity to concentrated areas of prostitution; and

(e) The amount of local subdivision treatment funding.

Each regional behavioral health authority may contract with qualifying public, private, or nonprofit entities for the provision of such education and treatment. Such qualifying entities may obtain additional funding from cities and counties to provide a coordinated program of treatment and education for individuals that participate in prostitution-related activities.

Sec. 5. The Department of Health and Human Services Finance and Support shall adopt and promulgate rules and regulations to carry out the Nebraska Prostitution Intervention and Treatment Act.

Sec. 6. Section 28-101, Revised Statutes Cumulative Supplement, 2004, is amended to read:

28-101 Sections 28-101 to 28-1350 and section 8 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 7. Section 28-801, Reissue Revised Statutes of Nebraska, is amended to read:

28-801 (1) Any person who performs, offers, or agrees to perform any act of sexual contact or sexual penetration, as those terms are defined in ~~subdivision (6) of~~ section 28-318, with any person not his or her spouse, in exchange for money or other thing of value, commits prostitution.

(2) ~~Prostitution is a Class I misdemeanor~~ Any person convicted of violating subsection (1) of this section shall be punished as follows:

(a) If such person has had no prior convictions or has had one prior conviction, such person shall be guilty of a Class II misdemeanor. If the court places such person on probation, such order of probation shall include, as one of its conditions, that such person shall satisfactorily attend and complete an appropriate mental health and substance abuse assessment conducted by a

licensed mental health professional or substance abuse professional authorized to complete such assessment; and

(b) If such person has had two or more prior convictions, such person shall be guilty of a Class I misdemeanor. If the court places such person on probation, such order of probation shall include, as one of its conditions, that such person shall satisfactorily attend and complete an appropriate mental health and substance abuse assessment conducted by a licensed mental health professional or substance abuse professional authorized to complete such assessment.

For purposes of this subsection, prior conviction means any conviction on or after the effective date of this act for violation of subsection (1) of this section or any conviction on or after the effective date of this act for violation of a city or village ordinance relating to prostitution.

Sec. 8. (1) Any person who solicits another person not his or her spouse to perform any act of sexual contact or sexual penetration, as those terms are defined in section 28-318, in exchange for money or other thing of value, commits solicitation of prostitution.

(2) Any person convicted of violating subsection (1) of this section shall be punished as follows:

(a) If such person has had no prior convictions, such person shall be guilty of a Class I misdemeanor and pay a fine of not less than two hundred fifty dollars. If the court places such person on probation, such order of probation shall include, as one of its conditions, the payment of a fine of not less than two hundred fifty dollars and such person shall satisfactorily attend and complete an appropriate mental health and substance abuse assessment conducted by a licensed mental health professional or substance abuse professional authorized to complete such assessment; and

(b) If such person has had one or more prior convictions, such person shall be guilty of a Class IV felony and pay a fine of not less than five hundred dollars. If the court places such person on probation, such order of probation shall include, as one of its conditions, the payment of a fine of not less than five hundred dollars and such person shall satisfactorily attend and complete an appropriate mental health and substance abuse assessment conducted by a licensed mental health professional or substance abuse professional authorized to complete such assessment.

Sec. 9. Section 28-804.01, Reissue Revised Statutes of Nebraska, is amended to read:

28-804.01 In all cases arising under sections 28-801 to 28-804 and section 8 of this act, no person shall be excused from testifying against another person by reason of such testimony tending to incriminate the person testifying, but the testimony so given, unless voluntary, shall in no case be used against the person so testifying in any criminal prosecution or otherwise.

Sec. 10. Original sections 28-801 and 28-804.01, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2004, are repealed.

2. On page 1, strike beginning with "funds" in line 1 through line 3 and insert "crimes and offenses; to amend sections 28-801 and 28-804.01, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2004; to adopt the Nebraska Prostitution Intervention and Treatment Act; to change and provide penalties relating to prostitution; to provide for the crime of solicitation of prostitution; to change provisions relating to testimony as prescribed; to harmonize provisions; and to repeal the original sections.".

LEGISLATIVE BILL 1086A. Placed on Select File.

LEGISLATIVE BILL 690. Placed on Select File as amended.
E & R amendment to LB 690:
AM7184

1. In the Stuhr amendment, AM2725, on page 1, line 16, strike "to"; and in line 22 before "There" insert "(5)".

LEGISLATIVE BILL 690A. Placed on Select File as amended.
E & R amendment to LB 690A:
AM7185

1. On page 1, line 3; and page 2, lines 5 and 6, strike "First Session, 2005" and insert "Second Session, 2006".

2. On page 2, line 2, strike "FY2005-06" and insert "FY2006-07"; and in line 3 strike "FY2006-07" and insert "FY2007-08".

LEGISLATIVE BILL 1060. Placed on Select File as amended.
E & R amendment to LB 1060:
AM7191

1. In the Standing Committee amendments, AM2581:

a. On page 3, line 14, strike "177,023" and insert "177,003"; and

b. On page 24, line 26, strike "Disability" and insert "Disabilities".

2. On page 1, strike lines 2 through 5 and insert "sections 10, 25, 43, and 45; and Laws 2005, LB 425, sections 14, 15, 17, 33, 34, 47, 49, 61, 66, 100, 102, 104, 105, 107, 109, 112, 113, 114, 116, 117, 118, 123, 126, 136, 139, 164, 169, 170, 172, 183, 187, 192, 194, 195, 204, 209, 226, 240, 242, 248, 249, 254, 259,".

LEGISLATIVE BILL 746A. Placed on Select File.
LEGISLATIVE BILL 817A. Placed on Select File.

(Signed) Michael Flood, Chairperson

MESSAGES FROM THE GOVERNOR

March 16, 2006

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 87, 87A, 508, 663e, 853e, 975e, and 1115e were received in my office on March 13, 2006.

I signed these bills and delivered them to the Secretary of State on March 16, 2006.

Sincerely,
(Signed) Dave Heineman
Governor

March 22, 2006

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 32, 248, 647, 647A, and 1019e were received in my office on March 16, 2006.

I signed these bills and delivered them to the Secretary of State on March 22, 2006.

Sincerely,
(Signed) Dave Heineman
Governor

March 16, 2006

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed as the State Investment Officer.

APPOINTEE:

David L. Bomberger, CFA, 4117 Stonewater Drive, Peoria IL 61615

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

SELECT FILE

LEGISLATIVE BILL 562. Senator Chambers withdrew his pending motion, found on page 1085, to indefinitely postpone.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 968. Title read. Considered.

The Standing Committee amendment, AM2582, printed separately and referred to on page 905, was considered.

Senator Beutler offered the following motion:
Bracket LB 968 until March 29, 2006.

Senator Beutler withdrew his motion to bracket.

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Bomberger, David L. - State Investment Officer - Nebraska Retirement Systems

(Signed) Pat Engel, Chairperson
Legislative Council, Executive Board

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems
Room 1525

Wednesday, March 29, 2006 12:15 p.m.
David L. Bomberger - State Investment Officer

(Signed) Elaine Stuhr, Chairperson

MOTION - Print in Journal

Senator Erdman filed the following motion to LB 1060:
Recommit LB 1060 to the Appropriations Committee.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 872A. Introduced by Preister, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 872, Ninety-ninth Legislature, Second Session, 2006.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 1107. Placed on General File as amended.
Standing Committee amendment to LB 1107:
AM2615

1. Strike the original sections and insert the following new section:

Section 1. (1) An approved or accredited public, private, denominational, or parochial school shall allow a student with diabetes to possess and administer the necessary medical supplies to self-manage his or her diabetic condition upon written request of the student's parent or guardian and authorization of the student's licensed health care provider, upon receipt of a signed statement under subsection (5) of this section, and pursuant to a diabetes medical management plan developed under subsection (2) of this section.

(2) Upon receipt of a written request and authorization under subsection (1) of this section, the school and the parent or guardian shall develop a diabetes medical management plan for the student for the current school year. The plan shall (a) identify the health care services the student may receive at school relating to such condition, (b) evaluate the student's understanding of and ability to self-manage his or her diabetic condition, (c) permit

regular monitoring of the student's self-management of his or her diabetic condition by an appropriately credentialed health care professional, and (d) be signed by the student's parent or guardian and the licensed health care provider responsible for treatment of the student's diabetic condition. The school may consult with a registered nurse or other health care professional employed by such school during development of the plan. The plan and the signed statement required by subsection (5) of this section shall be kept on file at the school where the student is enrolled.

(3) Pursuant to the diabetes medical management plan developed under subsection (2) of this section, a student with a diabetic condition shall be permitted to self-manage his or her diabetic condition in the classroom or any part of the school or on school grounds during any school-related activity or in any private location specified in the plan.

(4)(a) A school may prohibit a student from possessing the necessary medical supplies to self-manage his or her diabetic condition or place other necessary and appropriate restrictions or conditions on the student's self-management of his or her diabetic condition if the school determines that the student has endangered himself, herself, or others through the misuse or threatened misuse of such medical supplies. The school shall promptly notify the parent or guardian of any prohibition, restriction, or condition imposed.

(b) If a student for whom a diabetes medical management plan has been developed under this section injures school personnel or another student as the result of the misuse of necessary diabetic medical supplies, the parent or guardian of the student for whom such plan has been developed shall be responsible for any and all costs associated with such injury.

(5) The parent or guardian of a student for whom a diabetes medical management plan has been developed under this section shall sign a statement acknowledging that: (a) The school and its employees and agents are not liable for any injury or death arising from a student's self-management of his or her diabetic condition and (b) the parent or guardian shall indemnify and hold harmless the school and its employees and agents against a claim arising from a student's self-management of his or her diabetic condition.

LEGISLATIVE BILL 1148. Placed on General File as amended.
Standing Committee amendment to LB 1148:
AM2606

1. Strike the original sections and insert the following new sections:

Section 1. (1) An approved or accredited public, private, denominational, or parochial school shall allow a student with asthma or anaphylaxis to possess and administer the necessary medical supplies to self-manage his or her asthma or anaphylaxis

condition upon the written request of the student's parent or guardian and authorization of the student's licensed health care provider, the receipt of a signed statement under subsection (5) of this section, and pursuant to an asthma or anaphylaxis medical management plan developed under subsection (2) of this section.

(2) Upon receipt of a written request and authorization under subsection (1) of this section, the school and the parent or guardian shall develop an asthma or anaphylaxis medical management plan for the student for the current school year. Such plan shall (a) identify the health care services the student may receive at school relating to such condition, (b) evaluate the student's understanding of and ability to self-manage his or her asthma or anaphylaxis condition, (c) permit regular monitoring of the student's self-management of his or her asthma or anaphylaxis condition by an appropriately credentialed health care professional, (d) include the name, purpose, and dosage of the prescription asthma or anaphylaxis medication prescribed for such student, (e) include procedures for storage and access to backup supplies of such prescription asthma or anaphylaxis medication, and (f) be signed by the student's parent or guardian and the licensed health care provider responsible for treatment of the student's asthma or anaphylaxis condition. The school may consult with a registered nurse or other health care professional employed by such school during development of the plan. The plan and the signed statement provided under subsection (5) of this section shall be kept on file at the school where the student is enrolled.

(3) Pursuant to the asthma or anaphylaxis medical management plan developed under subsection (2) of this section, a student with asthma or anaphylaxis shall be permitted to self-manage his or her asthma or anaphylaxis condition in the classroom or any part of the school or on school grounds, during any school-related activity, or in any private location specified in the plan. The student for whom an asthma or anaphylaxis medical management plan has been developed under this section shall promptly notify the school nurse, such nurse's designee, or another designated adult at the school when such student has self-administered prescription asthma or anaphylaxis medication pursuant to such plan.

(4)(a) If a student for whom an asthma or anaphylaxis medical management plan has been developed under this section uses his or her prescription asthma or anaphylaxis medication other than as prescribed, he or she may be subject to disciplinary action by the school, except that such disciplinary action shall not include a limitation or restriction on the student's access to such medication. The school shall promptly notify the parent or guardian of any disciplinary action imposed.

(b) If a student for whom an asthma or anaphylaxis medical management plan has been developed under this section injures school personnel or another student as the result of the

misuse of necessary asthma or anaphylaxis medical supplies, the parent or guardian of the student for whom such plan has been developed shall be responsible for any and all costs associated with such injury.

(5) The parent or guardian of a student for whom an asthma or anaphylaxis medical management plan has been developed under this section shall sign a statement acknowledging that: (a) The school and its employees and agents are not liable for any injury or death arising from a student's self-management of his or her asthma or anaphylaxis condition; and (b) the parent or guardian shall indemnify and hold harmless the school and its employees and agents against any claim arising from a student's self-management of his or her asthma or anaphylaxis condition.

Sec. 2. Section 25-21,280, Revised Statutes Supplement, 2005, is amended to read:

25-21,280 (1) Any person employed by a school approved or accredited by the State Department of Education, employed by an educational service unit and working in a school approved or accredited by the department, or employed by an early childhood education program approved by the department who serves as a school nurse or medication aide or who has been designated and trained by the school, educational service unit, or program as a nonmedical staff person to implement the emergency response to life-threatening asthma or systemic allergic reactions protocols adopted by the school, educational service unit, or program shall be immune from civil liability for any act or omission in rendering emergency care for a person experiencing a potentially life-threatening asthma or allergic reaction event on school grounds, in a vehicle being used for school purposes, in a vehicle being used for educational service unit purposes, at a school-sponsored activity or athletic event, at a facility used by the early childhood education program, in a vehicle being used for early childhood education program purposes, or at an activity sponsored by the early childhood education program which results in damage or injury unless such damage or injury was caused by the willful or wanton act or omission of such employee.

(2) The individual immunity granted by subsection (1) of this section shall not extend to the school district, educational service unit, or early childhood education program and shall not extend to any act or omission of such employee which results in damage or injury if the damage or injury is caused by such employee while impaired by alcohol or any controlled substance enumerated in section 28-405.

(3) Any school nurse, such nurse's designee, or other designated adult described in section 1 of this act shall be immune from civil liability for any act or omission described in such section which results in damage or injury unless such damage or injury was caused by the willful or wanton act or omission of such school nurse, nurse's designee, or designated adult.

Sec. 3. Original section 25-21,280, Revised Statutes Supplement, 2005, is repealed.

(Signed) Jim Jensen, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 313. Introduced by Howard, 9.

PURPOSE: The purpose of this study is to explore policy options to promote increased employer-provided health insurance benefits for Nebraska's workforce.

The study will include, but not be limited to:

1. Examination of the current number or percentage of Nebraska employers that make health insurance benefits available to their employees;

2. Examination of the number of employed persons currently eligible for and participating in state-subsidized medical care programs;

3. Examination of the policy strategies implemented in other states to increase employer-provided health insurance benefits, particularly those states similar in population and socioeconomic distribution to Nebraska; and

4. Examination of the potential cost savings that would be recognized by the State of Nebraska as a result of an increase in the percentage of employers who provide insurance benefits.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 314. Introduced by Howard, 9.

PURPOSE: The purpose of this study is to explore policy options that help families succeed in the transition from public assistance to work.

The study will include, but not be limited to:

1. Examination of the current percentage of a family's earnings that is disregarded in the calculation of a family's cash benefits while the family is receiving cash assistance in Nebraska;

2. Examination of the effectiveness of earned income disregards in motivating sustained transition from public assistance to work;

3. Examination of the levels of earned income disregards in other states, particularly those states similar in population and socioeconomic distribution to Nebraska; and

4. Examination of the potential costs that would be incurred as a result of an increase in the percentage of earned income disregards.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 968. The Standing Committee amendment, AM2582, printed separately and referred to on page 905 and considered in this day's Journal, was renewed.

Senator Chambers requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:
AM2801

1. Strike the original sections and insert the following new sections:

Sec. 2. Section 77-2704.55, Revised Statutes Cumulative Supplement, 2004, is amended to read:

77-2704.55 (1) Sales and use taxes shall not be imposed on the gross receipts for the labor of a contractor as determined in subdivision (10)(e) of section 77-2701.16 purchased in connection with the following types of construction projects:

(a) The first or original construction of a new structure, building, or unit;

~~(b) The addition of an entire room or floor to any existing building;~~

~~(c) The completion of an unfinished portion of an existing structure;~~

~~(d) The restoration, reconstruction, or replacement of a structure damaged or destroyed by fire, flood, tornado, lightning, explosion, ice storm, or natural disaster;~~

~~(e)~~ (b) The construction, repair, or annexation of any structure used for the generation, transmission, or distribution of electricity; ~~or~~

~~(f)~~ (c) The major addition, remodeling, restoration, repair, or renovation of an existing structure or building or a unit of an existing building ~~described in subdivision (2)(c)(ii) of this section. For a project on a building other than an existing dwelling designed for occupancy by one family or a duplex designed~~

~~for occupancy by two families, the exemption granted in this subdivision shall be conditioned upon the taxpayer seeking approval from the Department of Revenue that the project, if substantially completed according to designs, plans, specifications, or other materials submitted with the application to the department, meets the requirements for a major renovation under subdivision (2)(c)(ii) of this section and the construction services will be exempt from tax. For a project on an existing dwelling designed for occupancy by one family or a duplex designed for occupancy by two families, the exemption may be granted either upon approval by the department that the project, if substantially completed according to plans submitted with the application to the department, meets the requirements for a major renovation under subdivision (2)(c)(ii) of this section or notice from the contractor to the department of the nature of the project and an explanation of why the renovation will qualify for the exemption. Approval may be granted in accordance with the procedures set forth in subsection (4) of this section~~ that is a single construction project of any type that costs at least fifty percent of the current assessed value of the existing structure or building or unit of an existing building; or

(d) Commencing October 1, 2006, construction services on dwellings designed for occupancy by one family or duplexes designed for occupancy by two families.

(2) For purposes of this section:

(a) Building means any freestanding structure annexed to land, enclosed within a roof and exterior walls, regardless of whether enclosed on all sides;

(b) Owner-occupied residential unit means a residential unit in a dwelling complex containing three or more units actually occupied by a natural person who is the owner of record at the time the construction or repair work is performed;

~~(b) Fixture means a piece of equipment that must be annexed to the building or structure in order to properly function, yet remains identifiable as a separate item;~~

~~(c) Major renovation of an existing building or a unit of an existing building means a single renovation project that:~~

~~(i) Increases the market value of the building or unit by at least one hundred percent; or~~

~~(ii) Entails the renovation of no less than seventy-five percent of the square feet of the building or unit;~~

~~(d) Renovation means the rehabilitation, replacement, or reconfiguration of walls or fixtures. Mere replacement of floor coverings does not constitute renovation for purposes of subdivision (1)(f) of this section;~~

~~(e)~~ (c) Structure means any construction composed of building materials arranged and fitted together in some way. Structure includes, but is not limited to, streets and roadways, street lighting, and sewers and waterlines; and

~~(f)~~ (d) Unit means a physical portion of a building designated for separate ownership, rental, or occupancy.

(3) Construction services performed on an owner-occupied residential unit shall be subject to tax, but commencing October 1, 2006, the owner shall be entitled to a refund of any sales and use taxes paid by the owner on construction services pursuant to this subsection. A taxpayer shall be entitled to a refund of any sales tax paid ~~to a contractor on the gross receipts from the labor of a contractor for any major renovation described in subdivision (2)(c)(i) of this section or, if prior approval of the renovation pursuant to this section has not been obtained, for any major renovation described in subdivision (2)(c)(ii) of this section~~ on the gross receipts for the labor of a contractor for any major addition, remodeling, restoration, repair, or renovation described in this section. The refund granted in this ~~section~~ subsection shall be conditioned upon filing a claim for the refund on a form developed by the Tax Commissioner. The requirements imposed by the Tax Commissioner shall be related to ensuring that the project qualifies for the refund. Any information received pursuant to the requirements of this subsection may be disclosed to any tax official in this state. Any taxpayer who provides false information on the forms required by the Tax Commissioner for purposes of this subsection shall be subject to the penalties provided in subsection (8) of section 77-2705.

(4)(a) A taxpayer may seek prior approval from the Department of Revenue that the project, if substantially completed according to designs and specifications submitted with the application to the department, meets the requirements for a major addition, remodeling, restoration, repair, or renovation under this section and the labor performed in annexing the building materials to real estate will be exempt from tax. If a unit of a building is to be renovated and the current assessed value is known only for the building, the current assessed value for the building shall be apportioned to the unit based on square footage of floor space. ~~A taxpayer may apply to the Tax Commissioner for approval that a proposed construction project meets the requirements for a major renovation described in subdivision (2)(c)(ii) of this section.~~

(b) The approval granted in this ~~section~~ subsection shall be conditioned upon filing an application on a form developed by the Tax Commissioner with an application fee of five hundred dollars. The application fee shall be remitted to the State Treasurer for credit to the Department of Revenue Contractor Enforcement Fund. The application shall be supported by designs, specifications, contract amount, and the current assessed value. ~~plans, specifications, or other materials, signed by a licensed architect or engineer, that indicate the extent of the renovation, the work that is planned to be performed, and the square footage of the floor space that is to be renovated.~~ Any requirements imposed by the Tax Commissioner shall be related to ensuring that the

project qualifies for the exemption so long as the project is completed in substantial conformity with the designs~~, plans,~~ and specifications~~, or other materials~~ submitted with the application.

(c) The Tax Commissioner shall approve or deny the application within sixty business days after receiving the application. Within sixty days after the completion of the renovation, a licensed architect or engineer shall certify to the Tax Commissioner that the renovation was completed in substantial conformity with the designs~~, plans,~~ and specifications~~, or other materials~~ submitted with the application or shall amend the original application to describe the project as actually completed.

(d) Any information received pursuant to the requirements of this subsection may be disclosed to any tax official in this state. Any person who provides false information on the forms or ~~plans,~~ designs and specifications~~, and materials~~ required by the Tax Commissioner for purposes of this subsection shall be subject to the penalties provided in subsection (8) of section 77-2705.

(5) The provisions of this section shall not excuse any person from the obligation to collect sales tax on retail sales of property not annexed to real estate or from the obligation to pay the sales tax or remit the use tax on tools, services, and other materials consumed that are not annexed to real estate.

(6) The Department of Revenue Contractor Enforcement Fund is created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 13. Sections 2 and 17 of this act become operative on October 1, 2006.

Sec. 17. Original section 77-2704.55, Revised Statutes Cumulative Supplement, 2004, is repealed.

Senator Landis withdrew the Landis et al. pending amendment, AM2602, found on page 908.

Senator Landis asked unanimous consent to withdraw his pending amendment, AM2644, found on page 951, and replace it with his substitute amendment, AM2800, to the first Standing Committee amendment. No objections. So ordered.

AM2800

(Amendments to Standing Committee amendments, AM2582)

1. Insert the following new sections:

Section 1. Section 66-1345.04, Revised Statutes Supplement, 2005, is amended to read:

66-1345.04 (1) The State Treasurer shall transfer from the General Fund to the Ethanol Production Incentive Cash Fund, on or before the end of each of fiscal years 1995-96 and 1996-97, $8,000,000 per fiscal year.

(2) It is the intent of the Legislature that the following General Fund amounts be appropriated to the Ethanol

Production Incentive Cash Fund in each of the following years:

(a) For each of fiscal years 1997-98 and 1998-99, $7,000,000 per fiscal year;

(b) For fiscal year 1999-2000, $6,000,000;

(c) For fiscal year 2000-01, $5,000,000;

(d) For fiscal year 2001-02 and for each of fiscal years 2003-04 through 2006-07, $1,500,000;

(e) For each of fiscal years 2005-06 and 2006-07, $2,500,000 in addition to the amount in subdivision (2)(d) of this section;

(f) For fiscal year 2007-08, $5,500,000; ~~and~~

(g) For each of fiscal years 2008-09 through 2011-12, $2,500,000; and ~~.~~

(h) For each of fiscal years 2005-06 and 2006-07, $5,000,000 in addition to the other amounts in this section.

Sec. 19. Since an emergency exists, this act takes effect when passed and approved according to law.

2. On page 4, line 18; and page 7, line 11, strike "assessed".

3. On page 4, line 21; and page 5, line 25, strike "October" and insert "July".

4. On page 5, line 1, after "(b)" insert "Current value means the current assessed value of the structure, building, or unit as determined in the records of the county assessor. If the county assessor has no current assessed value, the current value shall be the market value of the structure, building, or unit as shown by an appraisal of the property that has been performed by a licensed appraiser within six months prior to commencement of the construction project.

(c) Dwelling means a residential structure. Dwelling includes an attached or detached garage. Dwelling does not include fences, landscaping, retaining walls, storage buildings, or other structures that are not designed for human habitation;

(d)"; in line 3 after "record" insert "or who has a life tenancy therein" in lines 18 and 22 strike the new matter and reinstate the stricken matter; and in line 23 after the period insert "If a unit of a building is to be renovated and the current value is known only for the building, the current value for the building shall be apportioned to the unit based on square footage of floor space.".

5. On page 6, line 19, strike "A" and insert "Until July 1, 2007, a" and strike beginning with "If" in line 25 through line 27.

6. On page 7, strike line 1.

7. On page 22, strike beginning with "the" in line 5 through "of" in line 6 and show as stricken; in line 7 strike "deducted on the federal return" and show as stricken; and strike beginning with "paid" in line 8 through "77-2716.03" in line 9, show as stricken, and insert "included in federal itemized

deductions before any federal disallowance".

8. On page 36, line 23, strike "October" and insert "July".

9. On page 37, line 2, after "sections" insert "66-1345.04," and after "77-3442" insert a comma.

10. Renumber the remaining sections and correct internal references accordingly.

The Landis amendment was adopted with 32 ayes, 1 nay, 13 present and not voting, and 3 excused and not voting.

Senator Brown renewed her pending amendment, AM2668, found on page 1002, to the first Standing Committee amendment.

SENATOR SCHIMEK PRESIDING

Senator Brown withdrew her amendment.

Senator Byars renewed his pending amendment, AM2782, found on page 1085, to the first Standing Committee amendment.

SENATOR CUDABACK PRESIDING

SPEAKER BRASHEAR PRESIDING

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 302, 304, 305, and 306 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 302, 304, 305, and 306.

WITHDRAW - Cointroducer

Senator Smith withdrew his name as cointroducer to LB 808.

UNANIMOUS CONSENT - Add Cointroducer

Senator Mines asked unanimous consent to add his name as cointroducer to LB 968. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Engel's sister-in-law, Joleen Jones, and nephew and niece, Jeff and Carey Mogensen, with their children, Matt, Michael, Megan, and Max from South Sioux City, and brother- and sister-in-law, Dr. Jerry and Charlotte Smith from Omaha; 22 fourth-grade students and teacher from Plattsmouth; and 19 members and teacher from Metro Community College, Fremont.

RECESS

At 12:01 p.m., on a motion by Senator Beutler, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senator Dw. Pedersen who was excused; and Senators Cornett, Engel, Erdman, Foley, McDonald, Mines, and Price who were excused until they arrive.

AMENDMENTS - Print in Journal

Senator Friend filed the following amendment to LB 1249:
AM2708

(Amendments to Standing Committee amendments, AM2127)

1. Strike the original amendments and insert the following amendments:

1. Strike sections 5, 6, 7, 8, 9, 10, and 18.

2. On page 4, strike lines 3 through 7.

3. On page 13, after line 12 insert:

"(4) Any enlargement or extension by a metropolitan utilities district within the boundaries of a city of the metropolitan class involving the exercise of the power of eminent domain pursuant to subsection (2) of section 14-2116 shall by reason of such exercise be conclusively determined to be in the public interest."; and in line 24 strike "No" and insert "(1) Except as provided in subsections (2) and (3) of this section, no".

4. On page 14, line 8, after the period insert "Any proposal for extension or enlargement shall be filed with the commission, and the commission shall promptly make such application public in such manner as the commission deems appropriate."; and after line 25 insert:

"(2) Any metropolitan utilities district proposing to extend or enlarge its system (a) within the corporate boundaries of the city of the metropolitan class it serves or (b) within

the boundaries of the county in which such city is located and within three miles of the corporate boundaries of such city, the metropolitan utilities district may pursue such extension or enlargement without the need for commission approval or the requirement to file and request permission to pursue such extension or enlargement.

(3) If no person or entity has filed with the commission a protest alleging that the proposed extension or enlargement is not in the public interest within fifteen business days of the date upon which the application was made public, the enlargement or extension shall be conclusively presumed to be in the public interest and the jurisdictional utility or metropolitan utilities district may proceed with the extension or enlargement without further commission action.".

5. Renumber the remaining sections and correct internal references accordingly.

Senator Friend filed the following amendment to LB 907:
AM2793

1. Insert the following new section:

Section 1. Section 16-117, Reissue Revised Statutes of Nebraska, is amended to read:

16-117 (1) ~~The corporate limits of a city of the first class shall remain as before, and the mayor and council may by ordinance, except~~ Except as provided in sections 13-1111 to ~~13-1118~~ 13-1120 and subject to ~~subsections (3) through (6) of~~ this section, the mayor and city council of a city of the first class may by ordinance at any time include within the corporate limits of such city any contiguous or adjacent lands, lots, tracts, streets, or highways as are urban or suburban in character and in such direction as may be deemed proper. Such grant of power shall not be construed as conferring power upon the mayor and city council to extend the limits of a city of the first class over any agricultural lands which are rural in character.

(2) The invalidity of the annexation of any tract of land in one ordinance shall not affect the validity of the remaining tracts of land which are annexed by the ordinance and which otherwise conform to state law.

(3) The city council ~~desiring~~ proposing to annex land under the authority of this section shall first adopt both a resolution stating that the city is ~~considering~~ proposing the annexation of the land and a plan for extending city services to the land. The resolution shall state:

(a) The time, date, and location of the public hearing required by subsection (5) of this section;

(b) A description of the boundaries of the land proposed for annexation; and

(c) That the plan of the city for the extension of city services to the land proposed for annexation is available for

inspection during regular business hours in the office of the city clerk.

(4) The plan adopted by the city council shall contain sufficient detail to provide a reasonable person with a full and complete understanding of the ~~intentions of the city~~ proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

(5) A public hearing on the proposed annexation shall be held within sixty days following the adoption of the resolution proposing to annex land to allow the city council to receive testimony from interested persons. The city council may recess the hearing, for good cause, to a time and date specified at the hearing.

(6) A copy of the resolution providing for the public hearing shall be published in the official newspaper in the city at least once not less than ten days preceding the date of the public hearing. A map drawn to scale delineating the land proposed for annexation shall be published with the resolution. A copy of the resolution providing for the public hearing shall be sent by first-class mail following its passage to the school board of any school district in the land proposed for annexation.

(7) Any owner of property contiguous or adjacent to a city of the first class may by petition request that such property be included within the corporate limits of such city. The mayor and city council may include such property within the corporate limits of the city without complying with subsections (3) through (6) of this section.

(8) Notwithstanding the requirements of this section, the mayor and city council are not required to approve any petition requesting annexation or any resolution or ordinance proposing to annex land pursuant to this section.

2. On page 5, line 8, strike "section" and insert "sections 16-117 and"; and in line 9 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 968. The Byars pending amendment, AM2782, found on page 1085 and considered in this day's Journal, to the first Standing Committee amendment, was renewed.

Senator Byars moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Byars requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Aguilar	Cunningham	Howard	Langemeier	Schrock
Bourne	Fischer	Jensen	Louden	Stuthman
Byars	Flood	Johnson	Pahls	Synowiecki
Chambers	Foley	Kopplin	Price	Wehrbein
Cudaback	Heidemann	Kruse	Schimek	

Voting in the negative, 5:

Baker	Connealy	Landis	Raikes	Redfield

Present and not voting, 14:

Beutler	Combs	Janssen	Pederson, D.	Stuhr
Brown	Friend	Kremer	Preister	Thompson
Burling	Hudkins	Mines	Smith	

Excused and not voting, 6:

Brashear	Engel	McDonald
Cornett	Erdman	Pedersen, Dw.

The Byars amendment lost with 24 ayes, 5 nays, 14 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the first Standing Committee amendment:
FA617

Amendment to AM2800

Strike section 1.

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 2 nays, and 27 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 28:

Aguilar	Engel	Heidemann	Langemeier	Smith
Baker	Erdman	Hudkins	McDonald	Stuhr
Bourne	Fischer	Janssen	Mines	Stuthman
Brown	Flood	Kopplin	Raikes	Wehrbein
Connealy	Foley	Kremer	Schimek	
Cunningham	Friend	Landis	Schrock	

Present and not voting, 16:

Beutler	Combs	Johnson	Pederson, D.
Brashear	Cudaback	Kruse	Preister
Burling	Howard	Louden	Redfield
Byars	Jensen	Pahls	Synowiecki

Excused and not voting, 4:

Cornett	Pedersen, Dw.	Price	Thompson

The Chambers amendment lost with 1 aye, 28 nays, 16 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the first Standing Committee amendment:
FA618

(Amendments to Standing Committee amendments, AM2801)

1. Insert the following new section:

Sec. 2. Section 77-2704.15, Revised Statutes Cumulative Supplement, 2004, is amended to read:

77-2704.15 (1) Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of purchases by the state, including public educational institutions recognized or established under the provisions of Chapter 85, or by any county, township, city, village, rural or suburban fire protection district, city airport authority, county airport authority, joint airport authority, drainage district organized under sections 31-401 to 31-450, natural resources district, elected county fair board, <u>housing agency as defined in section 71-1575,</u> or joint entity or agency formed to fulfill the purposes described in the Integrated Solid Waste Management Act by any combination of two or more counties, townships, cities, or villages pursuant to the Interlocal Cooperation Act, the Integrated Solid Waste Management Act, or the Joint Public Agency Act, except for purchases for use in the business of furnishing gas, water, electricity, or heat, or by any irrigation or reclamation district, the irrigation division

of any public power and irrigation district, or public schools established under Chapter 79.

(2) The appointment of purchasing agents shall be recognized for the purpose of altering the status of the construction contractor as the ultimate consumer of building materials which are physically annexed to the structure and which subsequently belong to the state or the governmental unit. The appointment of purchasing agents shall be in writing and occur prior to having any building materials annexed to real estate in the construction, improvement, or repair. The contractor who has been appointed as a purchasing agent may apply for a refund of or use as a credit against a future use tax liability the tax paid on inventory items annexed to real estate in the construction, improvement, or repair of a project for the state or a governmental unit.

(3) Any governmental unit listed in subsection (1) of this section, except the state, which enters into a contract of construction, improvement, or repair upon property annexed to real estate without first issuing a purchasing agent authorization to a contractor or repairperson prior to the building materials being annexed to real estate in the project may apply to the Tax Commissioner for a refund of any sales and use tax paid by the contractor or repairperson on the building materials physically annexed to real estate in the construction, improvement, or repair.

2. Correct the operative date section and repealer so that the section added by this amendment becomes operative on October 1, 2006.

3. Renumber the remaining sections and correct internal references accordingly.

Senator Chambers withdrew his amendment.

Senators Landis, Brown, and Chambers offered the following amendment to the first Standing Committee amendment:
FA619

(Amendment to Standing Committee amendment, AM2801)

Add new section: Sales and use taxes shall not be imposed on the gross receipts for building materials and construction services purchased by a housing agency as defined in section 71-1575.

The Landis et al. amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

The first Standing Committee amendment, AM2801, found in this day's Journal, as amended, was renewed.

The first Standing Committee amendment, as amended, was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

The second Standing Committee amendment is as follows:
(Amendment, AM2803, is on file and available in the Clerk's Office, Room 2014.)

Senator Louden offered the following amendment to the second Standing Committee amendment:
AM2817

(Amendments to Standing Committee amendments, AM2582)

1. Insert the following new sections:

Sec. 13. Section 85-1536.01, Revised Statutes Supplement, 2005, is amended to read:

85-1536.01 (1) The Community College Property Tax Relief and Equalization Program is created. The Legislature recognizes the need for a state and local partnership for the funding of community colleges. The Legislature also understands that some community college areas have a better ability than other areas to raise revenue through property taxes because of larger and growing valuation bases.

(2) It is the intent of the Legislature to appropriate funds beginning with fiscal year 1998-99 to provide property tax relief to those areas that (a) have levied the maximum allowable property tax levy as described in subsection (1) of section 85-1517 and cannot generate forty percent of their operating revenue or (b) do not receive forty percent of their operating revenue from state aid pursuant to subdivisions (1)(a) and (b) of section 85-1536 and levy the maximum allowable property tax levy as described in subsection (1) of section 85-1517 or the greater of a minimum levy of six and three-tenths cents per one hundred dollars of valuation for fiscal year 1998-99 and fiscal year 1999-00 and five and three-tenths cents per one hundred dollars of valuation for fiscal year 2000-01 and all subsequent fiscal years or a levy that raises forty percent of its operating revenue.

(3) Each eligible community college area which qualifies pursuant to subdivision (2)(a) of this section shall receive funds equal to the difference between the property tax revenue raised and forty percent of its operating revenue. Each eligible community college area which qualifies pursuant to subdivision (2)(b) of this section shall receive funds equal to the difference between state aid pursuant to subdivisions (1)(a) and (b) of section 85-1536 and forty percent of its operating revenue, and any community college area which raises in excess of forty percent of its operating revenue from property tax shall have such excess serve as an offset to payments received from this program. Any community college area which qualifies under both subdivisions (2)(a) and (b) of this section shall receive funds as calculated for both subdivisions. The base year for calculating forty percent of operating revenue shall be fiscal year 1997-98, with future adjustments reflecting increases equal to two percent plus the percentage increase, if any, in full-time equivalent students eligible for state aid from

the second year to the first year preceding the year for which the aid is being determined. For purposes of aid distribution beginning with fiscal year 2006-07, the revenue generated by the additional levy authorized under subdivision (2)(c) of section 85-1517 shall be added to the previous year's adjusted base year operating revenue prior to applying the two percent plus the percentage growth in full-time equivalent students, and remain as part of the adjusted base year operating revenue for all fiscal years thereafter.

Any community college area which had an operational property tax levy that was one hundred thirty-five percent or more of the statewide average operational community college property tax levy for fiscal year 1997-98 shall, for purposes of state aid distribution beginning in fiscal year 1999-00 and for each fiscal year thereafter, have added to its fiscal year 1997-98 base year revenue three-fourths of its unused budget authority as established under section 13-521 for fiscal year 1998-99. Each community college area shall submit its levy and valuation certification to the Department of Administrative Services by September 20 each year. After verifying valuations and general fund revenue amounts established from FTE-REU audits, which general fund revenue amounts are derived from the uniform budget form, the department shall distribute funds to those community college areas that have qualified for property tax relief and equalization.

(4) If the Legislature appropriates more money for aid to community colleges than is necessary to fully fund the provisions of sections 85-1536 to 85-1537 for any fiscal year, the excess money shall be allocated to each community college area in the same proportion as the community college area's property valuation is to the state's total property valuation.

(5) If the Legislature fails to appropriate adequate funds for the program, the funds appropriated shall be apportioned on a pro rata basis to the areas that qualify.

(6) The department shall distribute the total of such appropriated and allocated funds to the boards in nine as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning in October of each year.

~~(7) For fiscal year 2003-04 through fiscal year 2007-08, each community college area that meets the requirements of subsection (2) of this section may levy an additional amount sufficient to generate revenue equal to the community college's share of any deficiency in the appropriation to community colleges upon the affirmative vote of at least three-fourths of the board of governors for the community college area. The property tax levy provided for in this subsection is in addition to the maximum allowable property tax levy described in subsection (1) of section 85-1517 and the amount allowed by subsection (3) of section 77-3442.~~

Sec. 14. Section 85-1537, Reissue Revised Statutes of

Nebraska, is amended to read:

85-1537 (1) For each fiscal year, the Legislature shall appropriate an additional two million one hundred eighty-seven thousand dollars for aid to community colleges.

(2) For fiscal year 2006-07 and each fiscal year thereafter, the Legislature shall appropriate an additional twenty-four million six hundred thousand dollars for aid to community colleges.

(3) Such amounts ~~Such amount~~ shall be in addition to any other amounts appropriated for aid to community colleges and shall be distributed pursuant to sections 85-1536 and 85-1538.

Sec. 20. Since an emergency exists, this act takes effect when passed and approved according to law.

2. On page 25, strike beginning with "plus" in line 21 through the comma in line 22 and show as stricken.

3. Correct the repealer and operative date sections so that the sections added by this amendment and sections 77-3442 and 79-1016 become operative with the emergency clause.

4. Renumber the remaining sections and correct internal references accordingly.

Senator Landis raised a point of order on whether the Louden amendment would require a three-fifths majority vote, pursuant to Rule 6, Section 3(h).

The Chair ruled that the Louden amendment is substantially the same as LB 1255, which was indefinitely postponed by the Revenue Committee, and would, therefore, require 30 votes.

SENATOR BAKER PRESIDING

Senator Mines moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

SENATOR CUDABACK PRESIDING

Senator Louden withdrew his amendment.

Pending.

AMENDMENTS - Print in Journal

Senator Hudkins filed the following amendment to LB 925:
AM2774

(Amendments to Standing Committee amendments, AM2604)

1. Insert the following new section:

Sec. 5. Section 60-4,182, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,182 In order to prevent and eliminate successive traffic violations, there is hereby provided a point system dealing with traffic violations as disclosed by the files of the director. The following point system shall be adopted:

(1) Conviction of motor vehicle homicide - 12 points;

(2) Third offense drunken driving in violation of any city or village ordinance or of section 60-6,196, as disclosed by the records of the director, regardless of whether the trial court found the same to be a third offense - 12 points;

(3) Failure to stop and render aid as required under ~~the laws of this state~~ section 60-697 in the event of involvement in a motor vehicle accident resulting in the death or personal injury of another - 6 points;

(4) Failure to stop and ~~render aid~~ report as required under ~~the laws of this state~~ section 60-696 or any city or village ordinance in the event of a motor vehicle accident resulting in property damage ~~if such accident is reported by the owner or operator within twelve hours from the time of the accident - 4~~ 6 points; ~~, otherwise - 8 points, and for purposes of this subdivision a telephone call or other notification to the appropriate peace officers shall be deemed to be a report;~~

(5) Driving a motor vehicle while under the influence of alcoholic liquor or any drug or when such person has a concentration of eight-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood or per two hundred ten liters of his or her breath in violation of any city or village ordinance or of section 60-6,196 - 6 points;

(6) Willful reckless driving in violation of any city or village ordinance or of section 60-6,214 or 60-6,217 - 6 points;

(7) Careless driving in violation of any city or village ordinance or of section 60-6,212 - 4 points;

(8) Negligent driving in violation of any city or village ordinance - 3 points;

(9) Reckless driving in violation of any city or village ordinance or of section 60-6,213 - 5 points;

(10) Speeding in violation of any city or village ordinance or any of sections 60-6,185 to 60-6,190 and 60-6,313:

(a) Not more than five miles per hour over the speed limit - 1 point;

(b) More than five miles per hour but not more than ten miles per hour over the speed limit - 2 points; and

(c) More than ten miles per hour over the speed limit - 3 points, except that one point shall be assessed upon conviction of exceeding by not more than ten miles per hour, two points shall be assessed upon conviction of exceeding by more than ten miles per hour but not more than fifteen miles per hour, and three points shall be assessed upon conviction of exceeding by more than fifteen miles per hour the speed limits provided for in subdivision (1)(e), (f), or (g) of section 60-6,186;

(11) Failure to yield to a pedestrian not resulting in bodily injury to a pedestrian - 2 points;

(12) Failure to yield to a pedestrian resulting in bodily injury to a pedestrian - 4 points; and

(13) All other traffic violations involving the operation of motor vehicles by the operator for which reports to the Department of Motor Vehicles are required under sections 60-497.01 and 60-497.02, not including violations involving an occupant protection system pursuant to section 60-6,270, parking violations, violations for operating a motor vehicle without a valid operator's license in the operator's possession, muffler violations, overwidth, overheight, or overlength violations, motorcycle or moped protective helmet violations, or overloading of trucks - 1 point.

All such points shall be assessed against the driving record of the operator as of the date of the violation for which conviction was had. Points may be reduced by the department under section 60-4,188.

In all cases, the forfeiture of bail not vacated shall be regarded as equivalent to the conviction of the offense with which the operator was charged.

The point system shall not apply to persons convicted of traffic violations committed while operating a bicycle or an electric personal assistive mobility device as defined in section 60-618.02.

2. Correct internal references and the repealer and renumber the remaining sections accordingly.

Senator Stuhr filed the following amendment to LB 690A:
AM2765

1. On page 2, line 4, strike "25" and insert "158".

Senator Synowiecki filed the following amendment to LB 1189:
AM2426

1. Strike original section 2 and insert the following new section:

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.

2. Renumber the remaining section accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 315. Introduced by Brown, 6.

WHEREAS, the members of the Creighton Preparatory School Academic Decathlon team devoted thousands of hours towards preparation for the district competition in January; and

WHEREAS, the Creighton Preparatory Academic Decathlon team was the top seeded team going into the state championship; and

WHEREAS, on February 18, 2006, at Creighton University, the Creighton Preparatory School Academic Decathlon team won the state championship, thereby securing a spot at the national competition as Nebraska's representative; and

WHEREAS, the team will represent the State of Nebraska during national competition in San Antonio, Texas, during the week of April 26 through 29, 2006; and

WHEREAS, there are high hopes for the Creighton Preparatory School Academic Decathlon team during the forthcoming national competition as they placed second in their division during the 2005 national competition, thereby bringing pride to their school, their city, and their state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the members of the 2005-2006 Creighton Preparatory School Academic Decathlon team for winning the state championship.

2. That the Legislature wishes the Creighton Preparatory School Academic Decathlon team continued success at the 2006 national competition in San Antonio, Texas.

3. That a copy of this resolution be presented to Creighton Preparatory School Academic Decathlon Head Coach Jeannie Brayman and each member of the team.

Laid over.

STANDING COMMITTEE REPORT
Agriculture

LEGISLATIVE BILL 1038. Placed on General File as amended.
Standing Committee amendment to LB 1038:
AM2771

1. Strike the original sections and insert the following sections:

Section 1. (1) As a condition of approval, a lease or agreement the purpose of which is to allow an entity other than a state agency to provide improvements or structures in excess of one hundred fifty thousand dollars on the Nebraska State Fairgrounds property shall be reviewed by the state building division and the Task Force for Building Renewal pursuant to sections 81-176, 81-1108.15, and 81-1114. Such review shall include review of the lease, agreement, plans, specifications, other construction or repair documents, potential maintenance requirements, all financing plans, and any other document deemed necessary by the state building division or Task Force for Building Renewal as a requirement for approval of such lease or agreement. Subsequent to such review, the state building division and the task force shall submit a report to the Nebraska State Fair Board, the Governor, the Committee on Building Maintenance of the Legislature, and the

Legislative Fiscal Analyst, including a summary of the review, an outline of the terms and conditions of the proposed lease or agreement, and a recommendation for approval or disapproval of the lease or agreement. Such proposed lease or agreement shall be approved by the Nebraska State Fair Board, the Governor, and the Legislature prior to execution. If the Legislature is not in session, the Executive Board of the Legislative Council shall act for the Legislature.

(2) No construction or other work related to proposed improvements or structures requiring approval under this section shall be initiated prior to receiving such approval. This section shall not apply to a lease or agreement executed prior to the effective date of this act. This section shall apply to an amendment of a lease or an agreement if the amendment is executed after the effective date of this act and the amendment includes improvements or structures in excess of one hundred fifty thousand dollars.

Sec. 2. Section 77-27,119.05, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,119.05 On the individual income tax return forms for tax years 2003~~, 2004, and 2005~~ through 2008, the Tax Commissioner shall include on the individual income tax form space in which the individual taxpayer may, if a refund is due, designate one dollar or a greater amount of the refund as a contribution to the Nebraska State Fair. In the case of a joint return, each spouse may designate one dollar or a greater amount of the refund as a contribution to the fund.

Sec. 3. Section 81-1108.33, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.33 (1) It is the intent of the Legislature that the state will not assume responsibility for the substandard construction, repair, or maintenance of, or for the excessive maintenance or repair costs for, real property, structures, or improvements which will be made available by gift, bequest, or devise to any state agency, board, or commission. Therefor, prior to any construction, repair, or maintenance work on such real property, structure, or improvement, the state building division and the Task Force for Building Renewal shall review the plans, specifications, other construction or repair documents, and potential maintenance requirements as a requirement for acceptance by the state of such real property, structure, or improvement.

(2)(a) Any gift of, bequest of, or devise of (i) real property, (ii) a structure, or (iii) an improvement proposed to be made available to any state agency, board, or commission shall be reviewed by the state building division and the Task Force for Building Renewal pursuant to sections 81-176, 81-1108.15, and 81-1114. Such review shall include any potential matching of state funds, any plans, specifications, and other construction or repair documents reviewed pursuant to subsection (1) of

this section, and any potential maintenance requirements as a condition of acceptance. Subsequent to such review, the state building division and the task force shall submit a report to the Governor, the Committee on Building Maintenance, and the Legislative Fiscal Analyst including a summary of the review of the plans, specifications, and other construction or repair documents and potential maintenance requirements and outlining the terms and conditions of the proposed gift, bequest, or devise along with its recommendation.

(b) Any proposed gift of, bequest of, or devise of (i) real property, (ii) a structure, or (iii) an improvement in excess of ten thousand dollars shall be approved by the Governor and the Legislature prior to acceptance. If the Legislature is not in session, the Executive Board of the Legislative Council, after recommendation by the Committee on Building Maintenance, may approve such gift, bequest, or devise along with the Governor.

(c) No construction or other work related to the proposed gift, bequest, or devise shall be initiated prior to receiving the approval required by this section.

(3) For purposes of this section, gift of, bequest of, or devise of (a) real property, (b) a structure, or (c) an improvement shall include, but not be limited to, a donation of, gift of, bequest of, devise of, or grant of (i) real property, (ii) a structure, or (iii) an improvement from an individual, an organization, a corporation, a foundation, or a similar entity or from a nonfederal governmental agency. For purposes of this section, gift, bequest, or devise shall not include a donation, gift, bequest, devise, or grant of tangible or intangible personal property.

(4) This section shall not apply to (a) the University of Nebraska or any Nebraska state college, since these agencies are subject to and participate in statewide facilities planning developed by the Coordinating Commission for Postsecondary Education pursuant to the Coordinating Commission for Postsecondary Education Act or (b) improvements or structures on Nebraska State Fairgrounds property reviewed and approved pursuant to section 1 of this act.

Sec. 4. Original sections 77-27,119.05 and 81-1108.33, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Bob Kremer, Chairperson

GENERAL FILE

LEGISLATIVE BILL 968. The second Standing Committee amendment, AM2803, on file and referred to in this day's Journal, was renewed.

The second Standing Committee amendment was adopted with 28 ayes, 3 nays, 14 present and not voting, and 4 excused and not voting.

The third Standing Committee amendment is as follows:
(Amendment, AM2802, is on file and available in the Clerk's Office, Room 2014.)

The third Standing Committee amendment was adopted with 28 ayes, 3 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 28 ayes, 1 nay, 18 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 808. Title read. Considered.

The Standing Committee amendment, AM2210, printed separately and referred to on page 639, was considered.

Senator Louden offered the following amendment to the Standing Committee amendment:
AM2818
(Amendments to Standing Committee amendments, AM2210)
1. On page 25, line 13, after "structure" insert "or any land sold as an exchange under section 1031 of the Internal Revenue Code of 1986".

Senator Mines moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Senator Louden withdrew his amendment.

The Standing Committee amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 287. Senator Chambers withdrew his pending motion, found on page 661, First Session, 2005, to indefinitely postpone.

Senator Friend renewed his pending amendment, AM2700, found on page 1015.

Senator Chambers renewed his pending amendment, AM2779, found on page 1074, to the Friend pending amendment.

The Chambers amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

The Friend amendment, as amended, was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

AMENDMENTS - Print in Journal

Senator Byars filed the following amendment to LB 1069A:
AM2824

1. Strike the original sections and insert the following new sections:

Section 1. There is hereby appropriated (1) $217,280 from the General Fund and $18,894 from federal funds for FY2006-07 and (2) $198,192 from the General Fund and $17,234 from federal funds for FY2007-08 to the Department of Health and Human Services, for Program 33, to aid in carrying out the provisions of Legislative Bill 1069, Ninety-ninth Legislature, Second Session, 2006.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $145,686 for FY2006-07 or $150,421 for FY2007-08.

Sec. 2. The General Fund appropriation for FY2006-07 to the Department of Health and Human Services Finance and Support, for Program 347, is hereby reduced by $733,215. The federal fund appropriation for FY2006-07 to the Department of Health and Human Services Finance and Support, for Program 347, is hereby reduced by $333,046.

The reductions made pursuant to this section are to aid in carrying out the provisions of Legislative Bill 1069, Ninety-ninth Legislature, Second Session, 2006.

Sec. 3. The General Fund appropriation for FY2006-07 to the Department of Health and Human Services Finance and Support, for Program 348, is hereby reduced by $85,041. The federal fund appropriation for FY2006-07 to the Department of Health and Human Services Finance and Support, for Program 348, is hereby reduced by $117,437.

The reductions made pursuant to this section are to aid in carrying out the provisions of Legislative Bill 1069, Ninety-ninth Legislature, Second Session, 2006.

Senator Flood filed the following amendment to LB 997:
AM2840

(Amendments to Standing Committee amendments, AM2457)

1. Insert the following new section:

Sec. 6. The Game and Parks Commission shall establish a program to provide access for recreational hunting and fishing to real property subject to a perpetual conservation easement and the tax credit provided in section 1 of this act. The program shall provide such access to Nebraska residents and nonresidents

of the state. No fees or costs, except for permit or other fees established by law, shall be charged for such access.

2. On page 1, line 21, after "easement" insert "(i)"; in line 22 strike "and" and insert ", (ii)".

3. On page 2, line 1, before the period insert ", and (iii) is open to access and use for recreational hunting and fishing as provided in section 6 of this act".

4. On page 11, line 23, strike "This act becomes" and insert "Sections 1, 2, 3, 4, 5, and 8 of this act become"; and in line 25 after the period insert "The other sections of this act become operative on their effective date.".

5. Renumber the remaining sections accordingly.

Senator Kopplin filed the following amendment to LB 808:
AM2834

(Amendments to Standing Committee amendments, AM2210)

1. Strike sections 5, 8, 11 to 17, 26, and 27.

2. On page 45, strike beginning with "sections" in line 20 through the last comma in line 24 and insert "section 77-1359, Reissue Revised Statutes of Nebraska, and section 77-1363, Revised Statutes Cumulative Supplement, 2004,".

3. Renumber the remaining sections and correct internal references accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 316. Introduced by Thompson, 14.

WHEREAS, on an average day in the United States, four children who are victims of abuse and neglect die; and

WHEREAS, the leading cause of death of abused children is inflicted head trauma, including the trauma known as Shaken Baby Syndrome; and

WHEREAS, Shaken Baby Syndrome, which occurs when a caregiver loses control and shakes a baby or young child resulting in loss of vision, brain damage, paralysis, seizures, or even death, is a totally preventable form of child abuse; and

WHEREAS, on average one thousand two hundred to one thousand four hundred children in the United States are diagnosed with Shaken Baby Syndrome every year, and thousands of additional cases are misdiagnosed or undetected; and

WHEREAS, Shaken Baby Syndrome often causes permanent, irreparable brain damage or death to an infant, and may result in more than a million dollars in medical and rehabilitation costs for the care of a single disabled child during the first few years of life; and

WHEREAS, the most effective way to end Shaken Baby Syndrome is by preventing such abuse, and it is clear that the minimal costs of educational and preventive programs may avert enormous medical and disability costs and untold grief for many families.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the week of April 16-22, 2006, be designated Shaken Baby Syndrome Awareness Week.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 786. The Standing Committee amendment, AM2533, found on page 859 and considered on page 984, was renewed.

The Standing Committee amendment was adopted with 27 ayes, 1 nay, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 915. Title read. Considered.

The Standing Committee amendment, AM2566, found on page 872, was considered.

SENATOR BOURNE PRESIDING

Senator Burling renewed his pending amendment, AM2690, found on page 985, to the Standing Committee amendment.

SENATOR CUDABACK PRESIDING

Senator Burling withdrew his amendment.

Senator Aguilar asked unanimous consent to withdraw his pending amendment, AM2693, found on page 987, and replace it with his substitute pending amendment, AM2704, found on page 1020, to the Standing Committee amendment. No objections. So ordered.

Senator Aguilar withdrew his amendment.

Senator Aguilar renewed his pending amendment, AM2691, found on page 1001, to the Standing Committee amendment.

The Aguilar amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 38 ayes, 0 nays, 6 present and not

voting, and 5 excused and not voting.

LEGISLATIVE BILL 990. Title read. Considered.

The Standing Committee amendment, AM2351, found on page 736, was considered.

Senator Connealy renewed the Landis-Connealy pending amendment, AM2651, found on page 961, to the Standing Committee amendment.

The Landis-Connealy amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Senator Wehrbein renewed his pending amendment, AM2562, found on page 865.

The Wehrbein amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Senator Chambers renewed his pending amendment, FA575, found on page 986.

The Chambers amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Senator Chambers renewed his pending amendment, FA576, found on page 986.

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Chambers amendment lost with 4 ayes, 20 nays, 20 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

AMENDMENTS - Print in Journal

Senator Brown filed the following amendment to LB 990:
AM2772

1. Insert the following new sections:

Section 1. Sections 1 to 10 of this act shall be known and may be cited as the Nebraska Venture Capital Forum Act.

Sec. 2. The Legislature finds that:

(1) Sufficient venture capital resources exist within the State of Nebraska to meet substantial portions of the equity needs of new and high-growth business enterprises;

(2) Nebraska is a net exporter of venture capital;

(3) The venture capital needs of Nebraska business enterprises are not currently being met due to the lack of an organized approach to connecting investors with new and high-growth business enterprises;

(4) The best and primary role the State of Nebraska can play in creating an effective framework for venture capital markets is as a partner and facilitator with the private sector;

(5) Creation of a venture capital forum must be flexible and market driven;

(6) Potential venture capital investors in Nebraska need better information about their role in making equity investments and about investment opportunities in Nebraska's new and high-growth business enterprises; and

(7) Entrepreneurs and high-growth business enterprises need technical assistance in understanding equity markets and how to position themselves to receive equity funding.

Sec. 3. For purposes of the Nebraska Venture Capital Forum Act, the definitions found in sections 4 and 5 of this act shall be used, unless the context otherwise requires.

Sec. 4. Business enterprise means an individual, corporation, partnership, limited liability company, or joint stock company with its principal place of business in Nebraska or potentially in Nebraska.

Sec. 5. Venture capital means equity financing provided by investors to new or other business enterprises that have the potential for high growth and in which the risk for loss and the potential for profit may be considerable.

Sec. 6. The purpose of the Nebraska Venture Capital Forum Act is to create a framework to facilitate the financial investment in new and high-growth business enterprises in Nebraska.

Sec. 7. The Department of Economic Development shall establish a Nebraska Venture Capital Forum Program. To establish the program, the department shall:

(1) Organize a statewide system for facilitating venture capital investing with its primary emphasis upon assisting those business enterprises generally seeking up to one million dollars in new equity financing. Such system may include, but need not be limited to, the following:

(a) Identifying and providing information to investors about investment opportunities in new and high-growth Nebraska business enterprises;

(b) Identifying and providing information to entrepreneurs and high-growth business enterprises about investors seeking investment opportunities;

(c) Providing statewide and regional meetings, forums, internet-based information systems, venture capital fairs, and other opportunities for venture capital investors and new and high-growth business enterprises to meet and discuss potential mutual opportunities;

(d) Cooperating with other service entities in facilitating effectiveness of the program including, but not limited to, financial institutions, attorneys, accountants, investment banking firms, established venture capital funds, institutions of higher education, local and regional development organizations, business development centers, business incubators, and utilities;

(e) Serving as a clearinghouse and access point for information about venture capital investment opportunities in Nebraska;

(f) Serving as the central organization and means of delivering appropriate education and training programs for potential investors and new or high-growth business enterprises;

(g) Facilitating the formation of private venture capital funds; and

(h) Assisting in the formation of sub-state or industry-specific venture capital networks; and

(2) Select a single, private, nonprofit organization for the purpose of carrying out the functions of the Nebraska Venture Capital Forum Act which is either (a) incorporated in the State of Nebraska and exempt for federal tax purposes under section 501(c)(3) of the Internal Revenue Code as such section existed on January 1, 2006, or (b) a Nebraska corporation or Nebraska organization that is exempt from federal taxation under section 501(c)(6) of the Internal Revenue Code as such section existed on January 1, 2006. Factors to be considered shall include, but not be limited to, an ability to deliver a statewide program and to provide the dollar match required by section 8 of this act.

Sec. 8. All funds appropriated to the Department of Economic Development shall be passed through as a grant to a private nonprofit organization selected to carry out the purposes of the Nebraska Venture Capital Forum Act. The department may receive state appropriations as well as funds from local or federal governments, private foundations, or other sources. Expenditures of state money for the Nebraska Venture Capital Forum Program must be matched dollar-for-dollar by the private nonprofit organization, any portion of which may be provided in kind.

Sec. 9. The Department of Economic Development shall submit an annual report on the activities of the Nebraska Venture Capital Forum Program to the Governor and the Clerk of the Legislature on or before January 1 each year.

It is the intent of the Legislature that two hundred thousand dollars be appropriated to the Department of Economic Development for each fiscal year to carry out the purposes of the

Nebraska Venture Capital Forum Act.
Sec. 10. The Nebraska Venture Capital Forum Act terminates on December 31, 2008.
Sec. 18. The following sections are outright repealed:
Sections 81-12,106 to 81-12,116, Revised Statutes Cumulative Supplement, 2004.
2. Renumber the remaining sections accordingly.

Senator Johnson filed the following amendment to LB 994:
(Amendment, AM2832, is printed separately and available in the Bill Room, Room 1104.)

UNANIMOUS CONSENT - Add Cointroducer

Senator Stuhr asked unanimous consent to add her name as cointroducer to LB 968. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Mark Butler from Lincoln.

ADJOURNMENT

At 8:39 p.m., on a motion by Senator Brown, the Legislature adjourned until 9:00 a.m., Thursday, March 23, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-SEVENTH DAY - MARCH 23, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 23, 2006

PRAYER

The prayer was offered by Senator Johnson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Cornett, Foley, Friend, Heidemann, Landis, Louden, McDonald, Dw. Pedersen, Raikes, Redfield, and Synowiecki who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 562.

ER9084

Enrollment and Review Change to LB 562

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7176, on page 18, line 3, "and" has been struck; and in line 4 "; and to outright repeal section 53-167.04, Reissue Revised Statutes of Nebraska" has been inserted after "sections".

(Signed) Michael Flood, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 317. Introduced by Pahls, 31.

WHEREAS, the Omaha Skutt Skyhawks have a Class B state championship trifecta, winning the football, wrestling, and boys' basketball championships in the 2005-06 school year; and

WHEREAS, Omaha Skutt defeated McCook on November 19, 2005, to win the state football championship; and

WHEREAS, Omaha Skutt won its record ninth straight wrestling title on February 11, 2006; and

WHEREAS, Omaha Skutt defeated Holdrege to win the boys' basketball state championship on March 11, 2006.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Omaha Skutt football, wrestling, and boys' basketball teams and their respective coaches, Matt Turnam, Brad Hildebrandt, and Jon Burt.

2. That a copy of this resolution be sent to the winning teams and their coaches.

Laid over.

LEGISLATIVE RESOLUTION 318. Introduced by Pahls, 31.

PURPOSE: The purpose of this study is to review the threat of voter fraud in Nebraska. Voter confidence is paramount in a free democratic society. The State of Nebraska allows its citizens to use a variety of methods to vote. As the state has increased the number of alternatives its citizens utilize to exercise their voting rights, citizens have become concerned about the potential increases for voter fraud. One method adopted by some states to reduce the threat of voter fraud is the requirement for voters to provide some form of voter identification.

The Government, Military and Veterans Affairs Committee of the Legislature shall review the methods other states and the federal government have considered or adopted to thwart voter fraud and instill voter confidence. Specifically, the committee shall focus on voter identification requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 872A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1126. Advanced to E & R for engrossment.
LEGISLATIVE BILL 817. Advanced to E & R for engrossment.
LEGISLATIVE BILL 817A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 746. E & R amendment, AM7181, found on page 1065, was adopted.

Senators Flood and Bourne offered the following amendment:
AM2842

(Amendments to E & R amendments, AM7181)

1. Insert the following new sections:

Sec. 5. The Civil Legal Services Fund is created. Any money remaining in the fund at the end of a calendar year shall be distributed in the following calendar year. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 6. Beginning January 1, 2007, a fee of one dollar shall be taxed as costs in each criminal proceeding, including traffic infractions and misdemeanors, filed in all courts of this state for violations of state law or city or village ordinances. No such fee shall be collected in any juvenile court proceeding or when waived under section 29-2709. Such fee shall be remitted to the State Treasurer on forms prescribed by the State Treasurer within ten days after the close of each calendar quarter. The State Treasurer shall credit the money to the Civil Legal Services Fund.

Sec. 7. Section 81-1413, Revised Statutes Cumulative Supplement, 2004, is amended to read:

81-1413 Tuition, fees, and such other expenses incurred in the pre-certification and certification training of applicants shall be the responsibility of the person or his or her sponsoring agency, except that through ~~January 1, 2007~~ January 1, 2011, such expenses may be financed by the training center through other appropriated funds as determined by the council in order to transition to a tuition-based system.

Sec. 8. Section 81-1428, Revised Statutes Cumulative Supplement, 2004, is amended to read:

81-1428 The Law Enforcement Improvement Fund is created and shall be maintained by the State Treasurer as a cash fund. ~~Until January 1, 2007, the~~ The fund shall consist of revenue

credited pursuant to section 81-1429 and investment income. The fund shall be used for payment of administrative and operations expenses of the Nebraska Law Enforcement Training Center and such other expenses as budgeted by the Legislature for the improvement of law enforcement. The fund shall be administered by the director. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 9. Section 81-1429, Revised Statutes Cumulative Supplement, 2004, is amended to read:

81-1429 ~~A~~ (1) Until January 1, 2007, a Law Enforcement Improvement Fund fee of two dollars shall be taxed as costs in each criminal proceeding, including traffic infractions and misdemeanors, filed in all courts of this state for violations of state law or city or village ordinances. No such fee shall be collected in any juvenile court proceeding or when waived under section 29-2709. Such fee shall be ~~paid~~ remitted to the State Treasurer on forms prescribed by the State Treasurer within ten days ~~of~~ after the close of each calendar quarter. The State Treasurer shall credit the money to the Law Enforcement Improvement Fund.

~~This section terminates January 1, 2007.~~

(2) Beginning January 1, 2007, a fee of one dollar shall be taxed as costs in each criminal proceeding, including traffic infractions and misdemeanors, filed in all courts of this state for violations of state law or city or village ordinances. No such fee shall be collected in any juvenile court proceeding or when waived under section 29-2709. Such fee shall be remitted to the State Treasurer on forms prescribed by the State Treasurer within ten days after the close of each calendar quarter. The State Treasurer shall credit the money to the Law Enforcement Improvement Fund.

Sec. 10. Original sections 81-1413, 81-1428, and 81-1429, Revised Statutes Cumulative Supplement, 2004, are repealed.

2. On page 1, line 6, strike "4" and insert "6"; and in line 9 after "program" insert "and money in the Civil Legal Services Fund".

The Flood-Bourne amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 605. E & R amendment, AM7187, found on page 1089, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 605A. E & R amendment, AM7188, found on page

1089, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1208. E & R amendment, AM7190, found on page 1090, was adopted.

Senator Raikes renewed the Raikes-Thompson pending amendment, AM2721, found on page 1035.

Senator Smith offered the following amendment to the Raikes-Thompson pending amendment:
FA621

Amendment to AM2721

P. 1, lines 8 and 9 strike "the next one million dollars shall be transferred to the School District Reorganization Fund,"

Senator Smith withdrew his amendment.

Senator Brashear moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Raikes-Thompson amendment was adopted with 26 ayes, 12 nays, 10 present and not voting, and 1 excused and not voting.

Senators Raikes, Byars, and Erdman offered the following amendment:
AM2854

1. In the Standing Committee amendment, AM2565, on page 1, line 16, strike "A" and insert "For school year 2009-10 and each school year thereafter, a".

2. In the Raikes amendment, AM2688, on page 1, line 5, strike "commercials" and insert "commercial".

The Raikes et al. amendment was adopted with 38 ayes, 0 nays, and 11 present and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1208A. E & R amendment, AM7189, found on page 1090, was adopted.

Senator Raikes offered the following amendment:
AM2828

1. Insert the following new section:

Sec. 4. There is hereby appropriated (1) $250,000 from the Attracting Excellence to Teaching Program Cash Fund for FY2006-07 and (2) $500,000 from the Attracting Excellence to

Teaching Program Cash Fund for FY2007-08 to the State Department of Education, for Program 161, to aid in carrying out the provisions of Legislative Bill 1208, Ninety-ninth Legislature, Second Session, 2006.

There is included in the appropriation to this program for FY2006-07 $250,000 Cash Funds for state aid for the Attracting Excellence to Teaching Program Act, which shall only be used for such purpose. There is included in the appropriation to this program for FY2007-08 $500,000 Cash Funds for state aid for the Attracting Excellence to Teaching Program Act, which shall only be used for such purpose.

2. On page 3, line 20, strike "$3,800,000" and insert "$3,533,000".

3. Renumber the remaining sections accordingly.

The Raikes amendment was adopted with 34 ayes, 1 nay, and 14 present and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1086. E & R amendment, AM7186, found on page 1090, was adopted.

Senator Chambers offered the following amendment:
AM2864

1. Insert the following new sections:

Sec. 10. For purposes of sections 10 to 12 of this act, the following definitions apply:

(1) Actor means a person who solicits, procures, or supervises the services or labor of another person;

(2) Commercial sexual activity means any sex act on account of which anything of value is given, promised to, or received by any person;

(3) Financial harm means theft by extortion as described by section 28-513;

(4) Forced labor or services means labor or services that are performed or provided by another person and are obtained or maintained through:

(a) Inflicting or threatening to inflict serious personal injury as defined by section 28-318;

(b) Physically restraining or threatening to physically restrain another person;

(c) Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document or any other actual or purported government identification document of another person; or

(d) Causing or threatening to cause financial harm to another person;

(5) Labor means work of economic or financial value;

(6) Maintain means, in relation to labor or services, to secure continued performance thereof, regardless of any initial agreement by the victim to perform such type of service;

(7) Minor means a person younger than eighteen years of age;

(8) Obtain means, in relation to labor or services, to secure performance thereof;

(9) Services means an ongoing relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor. Commercial sexual activity and sexually-explicit performances are forms of services under this section. Nothing in this subdivision shall be construed to legalize prostitution;

(10) Sexually-explicit performance means a live or public play, dance, show, or other exhibition intended to arouse or gratify sexual desire or to appeal to prurient interests; and

(11) Trafficking victim means a person subjected to any act or acts prohibited by section 11 of this act.

Sec. 11. (1) No person shall knowingly subject or attempt to subject another person to forced labor or services. If an actor knowingly subjects another person to forced labor or services by:

(a) Inflicting or threatening to inflict serious personal injury as defined by section 28-318, the actor is guilty of a Class III felony;

(b) Physically restraining or threatening to physically restrain another person, the actor is guilty of a Class III felony;

(c) Knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of such other person, the actor is guilty of a Class IV felony; or

(d) Causing or threatening to cause financial harm to another person, the actor is guilty of a Class I misdemeanor.

(2) No person shall knowingly recruit, entice, harbor, transport, provide, or obtain by any means or attempt to recruit, entice, harbor, provide, or obtain by any means a minor for the purpose of having such minor engage in commercial sexual activity, sexually-explicit performance, or the production of pornography, or to cause or attempt to cause a minor to engage in commercial sexual activity, sexually-explicit performance, or the production of pornography. A person who violates this subsection shall be punished as follows:

(a) In cases in which the actor uses overt force or the threat of force, the actor is guilty of a Class II felony;

(b) In cases in which the victim has not attained the age of fifteen years, and the actor does not use overt force or the threat of force, the actor is guilty of a Class II felony; or

(c) In cases involving a victim between the ages of fifteen and eighteen years, and the actor does not use overt force

or threat of force, the actor is guilty of a Class III felony.

(3) Any person who knowingly (a) recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, transport, provide, or obtain by any means, a person eighteen years of age or older, intending or knowing that the person will be subjected to forced labor or services or (b) benefits, financially or by receiving anything of value, from participation in a venture which has, as part of the venture, an act that is in violation of subsection (1) of this section, is guilty of a Class IV felony.

Sec. 12. (1) The Attorney General, in consultation with the Department of Health and Human Services shall, no later than one year after the effective date of this act, issue a report outlining how existing victim and witness laws and rules and regulations respond to the needs of trafficking victims and suggesting areas of improvement and modification.

(2) The Department of Health and Human Services, in consultation with the Attorney General, shall, no later than one year after the effective date of this act, issue a report outlining how existing social service programs respond or fail to respond to the needs of trafficking victims and the interplay of such existing programs with federally-funded victim service programs and suggesting areas of improvement and modification.

2. On page 4, line 2, strike "section 8" and insert "sections 8, 10, 11, and 12".

3. Renumber the remaining section accordingly.

SENATOR BOURNE PRESIDING

SENATOR CUDABACK PRESIDING

The Chambers amendment was adopted with 28 ayes, 0 nays, and 21 present and not voting.

Senator Erdman offered the following amendment:
AM2860

(Amendments to E & R amendments, AM7186)

1. On page 3, after line 22, insert:

"(3) The department shall report to the Legislature by January 1, 2007, and describe how funds appropriated to carry out this act have been expended. The report shall include a description of education and treatment programs, the number and location of public, private, and nonprofit entities that have qualified under this act, and the amount spent on administrative costs.".

Senator Erdman withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1086A. Senator Erdman offered the following amendment:
AM2846

1. On page 2, line 1, strike "(1)"; strike beginning with "and" in line 2 through "FY2007-08" in line 3; and strike beginning with "There" in line 10 through line 13.

Senator Erdman withdrew his amendment.

Senator Fischer requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 163. Indefinitely postponed.
LEGISLATIVE BILL 1037. Indefinitely postponed.
LEGISLATIVE BILL 1112. Indefinitely postponed.
LEGISLATIVE BILL 1234. Indefinitely postponed.

(Signed) Mike Friend, Chairperson

Health and Human Services

LEGISLATIVE BILL 1248. Placed on General File as amended.
(Standing Committee amendment, AM2831, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Jim Jensen, Chairperson

AMENDMENT - Print in Journal

Senator Howard filed the following amendment to LB 500:
AM2849

(Amendments to AM2641)

1. On page 4, line 5, after "facilities" insert "that are provided free to the public"; and in line 10 after "project" insert ". Development project costs does not include property taxes incurred by a company that locates within a development project area, any type of lobbying expense, or the development, construction, or operation of any type of parking facility that requires the public to pay a fee".

2. On page 7, line 1, after "stadiums" insert "that provide at a minimum one free parking space for each four seats in the stadium".

3. On page 21, line 1, after the period insert "The contracting public body may not pledge any portion of the financial

assistance received under this section for the construction, development, or operation of a parking facility that requires the public to pay any type of fee for its use.".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1199A. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1199, Ninety-ninth Legislature, Second Session, 2006.

VISITORS

Visitors to the Chamber were 32 fourth-grade students and teachers from York; members of Leaders Energizing Activities in Partnerships from Hartington; and 38 fourth-grade students and teachers from Rose Hill Elementary School, Omaha.

RECESS

At 12:08 p.m., on a motion by Senator Cunningham, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senator Byars who was excused; and Senators Beutler, Bourne, Brashear, Engel, Heidemann, Langemeier, Mines, Price, and Raikes who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 287.

ER9085

Enrollment and Review Change to LB 287

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "cemeteries" in line 1 through line 2 has been struck and "crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2004; to state intent; to define terms; to prohibit picketing of a funeral as prescribed; to provide a penalty; to harmonize provisions; to repeal the original section; and to declare an emergency." inserted.

(Signed) Michael Flood, Chairperson

SELECT FILE

LEGISLATIVE BILL 1061. E & R amendment, AM7183, found on page 1054, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1131. E & R amendment, AM7182, found on page 1054, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1060. E & R amendment, AM7191, found on page 1094, was adopted.

Senator Erdman withdrew his pending motion, found on page 1097, to recommit LB 1060 to the Appropriations Committee.

Senator Smith withdrew his pending amendment, AM2695, found on page 1012.

Senator Landis renewed his pending amendment, AM2686, found on page 1001.

The Landis amendment lost with 4 ayes, 17 nays, 25 present and not voting, and 3 excused and not voting.

Senator D. Pederson asked unanimous consent to withdraw his pending amendment, AM2699, found on page 1017, and replace it with his substitute amendment, AM2855. No objections. So ordered.

AM2855

(Amendments to Standing Committee amendments, AM2581)

1 1. Strike amendment AM2441 and all amendments thereto.

Senator D. Pederson moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Senator Foley requested a roll call vote on the D. Pederson amendment.

Voting in the affirmative, 26:

Aguilar	Connealy	Janssen	Pederson, D.	Thompson
Beutler	Cudaback	Johnson	Preister	Wehrbein
Bourne	Cunningham	Kruse	Price	
Brashear	Engel	Landis	Raikes	
Brown	Howard	McDonald	Redfield	
Chambers	Hudkins	Mines	Schimek	

Voting in the negative, 5:

Erdman	Foley	Friend	Schrock	Smith

Present and not voting, 16:

Baker	Fischer	Kopplin	Pedersen, Dw.
Burling	Flood	Kremer	Stuhr
Combs	Heidemann	Louden	Stuthman
Cornett	Jensen	Pahls	Synowiecki

Excused and not voting, 2:

Byars	Langemeier

The D. Pederson amendment was adopted with 26 ayes, 5 nays, 16 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers withdrew his pending amendments, FA611, FA612, FA615, and FA616, found on pages 1074 and 1084.

Senator Brashear asked unanimous consent to withdraw his pending amendment, AM2784, found on page 1087, and replace it with his substitute amendment, AM2877. No objections. So ordered.

AM2877

(Amendments to Standing Committee amendments, AM2581)

1. On page 98, after line 23 insert:

"It is the intent of the Legislature that the Department of Correctional Services determine the amount necessary to reimburse counties for eligible county jail reimbursement claims for FY2006-07 and FY2007-08. The department shall encourage the counties to submit their claims for the entire fiscal year regardless of whether there are available appropriations. The department shall submit a report to the Chairperson of the Appropriations Committee as to such claims no later than July 31, 2007, and July 31, 2008, and shall include in each of its next ensuing budget requests the total amount that would have been necessary to fully reimburse the counties for their costs for

housing a state prisoner pursuant to section 47-119.01 so that the Legislature is aware of the cost to the counties for maintaining state prisoners.".

The Brashear amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Senator D. Pederson reoffered his amendment, AM2699, found on page 1017 and considered in this day's Journal.

Senator Chambers offered the following amendment to the D. Pederson pending amendment:
FA624

Amendment to AM2699
On page 1 in lines 9-12 strike new matter and reinstate stricken matter.

SENATOR SCHIMEK PRESIDING

SENATOR CUDABACK PRESIDING

Senator Stuthman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Chambers requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 10:

Brown	Cudaback	Preister	Stuthman	Thompson
Connealy	Kruse	Price	Synowiecki	Wehrbein

Voting in the negative, 14:

Combs	Erdman	Friend	Landis	Smith
Cunningham	Flood	Hudkins	Mines	Stuhr
Engel	Foley	Kremer	Pedersen, Dw.	

Present and not voting, 23:

Aguilar	Chambers	Janssen	Louden	Redfield
Baker	Cornett	Jensen	McDonald	Schimek
Beutler	Fischer	Johnson	Pahls	Schrock
Brashear	Heidemann	Kopplin	Pederson, D.	
Burling	Howard	Langemeier	Raikes	

Excused and not voting, 2:

Bourne Byars

The Chambers amendment lost with 10 ayes, 14 nays, 23 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
Reconsider the vote taken on FA624.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider the vote taken on FA624. No objections. So ordered.

Senator D. Pederson withdrew his amendment, AM2699.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 319. Introduced by Kremer, 34.

PURPOSE: To examine the resources and other requirements necessary to implement state mandatory livestock price reporting and other duties assigned to the Department of Agriculture under the Competitive Livestock Markets Act in the event Congress fails to timely reauthorize federal mandatory price reporting. The study shall further examine other clarifications and revisions necessary and desirable to conform the act with relevant caselaw and with experience learned from the federal program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 320. Introduced by Kremer, 34.

PURPOSE: To review the benefits and criticisms of the livestock friendly county program, to explore means to enhance the value of the program for participating counties, and to provide counties with additional tools to facilitate livestock development in a manner consistent with local planning objectives.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 321. Introduced by McDonald, 41; Aguilar, 35; Baker, 44; Bourne, 8; Combs, 32; Cunningham, 40; Flood, 19; Howard, 9; Johnson, 37; Kremer, 34; Kruse, 13; Price, 26; Smith, 48; Stuthman, 22; Synowiecki, 7.

PURPOSE: The purpose of this study is to examine the overall impact of Area Health Education Center (AHEC) programs on the health of the citizens of Nebraska through their mission of career awareness and recruitment and retention of medical professionals to underserved areas.

AHEC's are cooperative ventures between a medical school and community centers. They are administered in Nebraska by the University of Nebraska Medical Center. Nebraska has five AHEC's across the state. AHEC's partner with the Rural Health Education Network which is funded by the Legislature, but AHEC's are federally funded through Title VII of the Public Health Service Act for a maximum of twelve years. The twelve-year period for federal funding for Nebraska's AHEC's will begin to expire in September of 2007 and all AHEC's will be off of federal funding in September of 2011.

This study shall determine the importance of AHEC's in maintaining easily accessible health services in underserved areas of Nebraska, recruitment and training of health professionals, continuing education for health professionals, and partnerships with other agencies with similar goals.

In addition, the study should determine whether AHEC services in Nebraska should be funded by the Legislature as federal funding expires.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Senator Synowiecki filed the following amendment to LB 1189:
AM2856

1. Insert the following new section:
Sec. 2. Section 77-2704.12, Revised Statutes Supplement,

2005, is amended to read:

77-2704.12 (1) Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of purchases by any organization created exclusively for religious purposes, any nonprofit organization providing services exclusively to the blind, any private educational institution established under sections 79-1601 to 79-1607, any private college or university established under sections 85-1101 to 85-1111, any hospital, health clinic when two or more hospitals or the parent corporations of the hospitals own or control the health clinic for the purpose of reducing the cost of health services or when the health clinic receives federal funds through the United States Public Health Service for the purpose of serving populations that are medically underserved, skilled nursing facility, intermediate care facility, intermediate care facility for the mentally retarded, nursing facility, home health agency, hospice or hospice service, or respite care service licensed under the Health Care Facility Licensure Act and organized not for profit, any licensed child-caring agency, ~~or~~ any licensed child placement agency, or any nonprofit organization providing community-based services for persons with developmental disabilities.

(2) Any organization listed in subsection (1) of this section shall apply for an exemption on forms provided by the Tax Commissioner. The application shall be approved and a numbered certificate of exemption received by the applicant organization in order to be exempt from the sales and use tax.

(3) The appointment of purchasing agents shall be recognized for the purpose of altering the status of the construction contractor as the ultimate consumer of building materials which are physically annexed to the structure and which subsequently belong to the owner of the organization or institution. The appointment of purchasing agents shall be in writing and occur prior to having any building materials annexed to real estate in the construction, improvement, or repair. The contractor who has been appointed as a purchasing agent may apply for a refund of or use as a credit against a future use tax liability the tax paid on inventory items annexed to real estate in the construction, improvement, or repair of a project for a licensed not-for-profit institution.

(4) Any organization listed in subsection (1) of this section which enters into a contract of construction, improvement, or repair upon property annexed to real estate without first issuing a purchasing agent authorization to a contractor or repairperson prior to the building materials being annexed to real estate in the project may apply to the Tax Commissioner for a refund of any sales and use tax paid by the contractor or repairperson on the building materials physically annexed to real estate in the construction, improvement, or repair.

(5) Any person purchasing, storing, using, or otherwise consuming building materials in the performance of any construction, improvement, or repair by or for any institution enumerated in subsection (1) of this section which is licensed upon completion although not licensed at the time of construction or improvement, which building materials are annexed to real estate and which subsequently belong to the owner of the institution, shall pay any applicable sales or use tax thereon. Upon becoming licensed and receiving a numbered certificate of exemption, the institution organized not for profit shall be entitled to a refund of the amount of taxes so paid in the performance of such construction, improvement, or repair and shall submit whatever evidence is required by the Tax Commissioner sufficient to establish the total sales and use tax paid upon the building materials physically annexed to real estate in the construction, improvement, or repair.

2. Correct the operative date section and repealer so that the section added by this amendment becomes operative on October 1, 2006.

3. Renumber the remaining sections accordingly.

Senator Howard filed the following amendment to LB 1105:
AM2829

(Amendments to Standing Committee amendments, AM2389)

1. On page 8, line 24, after the period insert "The board shall not include in the estimate of attributable revenue from the eligible facility any amount derived from a new regional, national, or international event at which the convention and meeting center facility or sports arena facility charged any fee to provide for parking for the event.".

SELECT FILE

LEGISLATIVE BILL 1060. Senator Howard offered the following amendment:
AM2836

(Amendments to Standing Committee amendments, AM2581)

1. Strike section 154.

2. Renumber the remaining sections and correct internal references accordingly.

Senator Howard moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Senator Howard requested a roll call vote on her amendment.

Voting in the affirmative, 25:

Aguilar	Cudaback	Hudkins	McDonald	Redfield
Beutler	Fischer	Kopplin	Pedersen, Dw.	Schimek
Burling	Flood	Kruse	Preister	Schrock
Chambers	Friend	Landis	Price	Stuhr
Connealy	Howard	Louden	Raikes	Synowiecki

Voting in the negative, 11:

Baker	Cunningham	Mines	Smith
Brown	Engel	Pahls	Wehrbein
Cornett	Foley	Pederson, D.	

Present and not voting, 9:

Bourne	Erdman	Janssen	Johnson	Stuthman
Brashear	Heidemann	Jensen	Kremer	

Excused and not voting, 4:

Byars	Combs	Langemeier	Thompson

The Howard amendment was adopted with 25 ayes, 11 nays, 9 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator D. Pederson offered the following amendment:
AM2868
(Amendments to Standing Committee amendments, AM2581)

1. PURPOSE: Insert correct fund name.
AMENDMENT: On page 25, lines 15 and 16, strike "NEBRASKA CAPITAL CONSTRUCTION FUND" and insert "STATE BUILDING FUND".
2. PURPOSE: Correct earmark language to show the correct fiscal years.
AMENDMENT: On page 26, line 16, after "FY2005-06" insert "and FY2006-07"; and in line 27 strike "FY2006-07" and insert "FY2005-06".
3. PURPOSE: Adjust the Nebraska State College System General Fund appropriation to reflect a lower estimate of FY2006-07 health insurance costs.
AMENDMENT: On page 38, lines 6 and 7, strike "573,915" and insert "347,850"; and in line 13 before the period insert "less $226,065 General Funds to reflect an adjustment to FY2006-07 estimated health insurance costs".
4. PURPOSE: Reduce the SALARY LIMIT by $60,000 for FY2006-07. A position was added to the Community Corrections Council that was not needed.
AMENDMENT: On page 111, line 10, strike "271,172" and insert "211,172".

5. PURPOSE: Clarify an earmark.
AMENDMENT: On page 111, line 18, strike "$5,750,000" and insert "$5,650,000".

The D. Pederson amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Senator Flood withdrew his pending amendment, FA613, found on page 1074.

Pending.

LEGISLATIVE BILL 690. E & R amendment, AM7184, found on page 1094, was adopted.

SENATOR BAKER PRESIDING

Senator Mines offered the following amendment:
FA623
Page 3 line 22 of committee amendment following the word "grants" insert this act terminates 1-1-2011.

The Mines amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 322. Introduced by Fischer, 43.

PURPOSE: On May 11, 2005, the President of the United States signed House Bill 1268, which became Public Law 109-13, commonly referred to as the REAL ID Act. The REAL ID Act requires certain state standards, procedures, and requirements for issuing state driver's licenses and state identification cards if such documents are to be accepted as identity documents by the federal government. It is anticipated that the REAL ID Act will have an impact on all of the approximately 1.3 million state driver's license and state identification card holders in Nebraska. The purpose of this study is to analyze the REAL ID Act and all duly promulgated rules and regulations associated with the REAL ID Act.

The study shall consider how the REAL ID Act may alter the business practices of the Department of Motor Vehicles, how the REAL ID Act may affect the staffing, facilities, training, and equipment currently used in the manufacturing and issuance of state driver's licenses and state identification cards, how the federal government intends to implement the development, expansion, and deployment of the five verification systems required by the REAL ID Act, an estimate of the costs associated with complying with the REAL ID Act, and any other federal requirements related to this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 323. Introduced by Fischer, 43.

PURPOSE: The purpose of this resolution is to evaluate the locations of Game and Parks Commission offices and the location of commission headquarters.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 324. Introduced by Baker, 44.

PURPOSE: The purpose of this study is to examine matters and issues within the jurisdiction of the Transportation and Telecommunications Committee of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 325. Introduced by Kruse, 13.

PURPOSE: The purpose of this study is to examine the legislative intent in the enaction of the Nebraska Public Transportation Act and the appropriation of funds under the act. The study shall determine whether current transportation needs are adequately met and shall propose statutory

changes to and administration of the act to best serve the transportation needs of the disabled and elderly population.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 690A. E & R amendment, AM7185, found on page 1094, was adopted.

Senator Stuhr renewed her pending amendment, AM2765, found on page 1118.

SENATOR CUDABACK PRESIDING

The Stuhr amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1060. Senator Flood offered the following amendment:

AM2891

1. Insert the following new section:

Sec. 170. AGENCY NO. 78 -- NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

Program No. 198 - Central Administration

	FY2005-06	FY2006-07
GENERAL FUND	-0-	428,000
PROGRAM TOTAL	-0-	428,000

There is included in the appropriation to this program $353,000 General Funds to be allocated by the Nebraska Commission on Law Enforcement and Criminal Justice to local law enforcement agencies in counties with a population of less than four hundred thousand inhabitants for replacement of federal Byrne funds. There is included in the appropriation to this program $75,000 General Funds to be available for grants to local law enforcement agencies in counties with a population of four hundred thousand or more inhabitants for the purpose of diversity training or minority recruitment.

2. Renumber the remaining sections accordingly.

Senator Flood moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Flood requested a roll call vote on his amendment.

Voting in the affirmative, 27:

Aguilar	Cunningham	Heidemann	Langemeier	Stuhr
Baker	Engel	Jensen	McDonald	Stuthman
Beutler	Erdman	Johnson	Mines	Wehrbein
Brashear	Fischer	Kopplin	Pederson, D.	
Chambers	Flood	Kremer	Price	
Connealy	Foley	Kruse	Smith	

Voting in the negative, 1:

Preister

Present and not voting, 16:

Bourne	Cudaback	Janssen	Redfield
Brown	Friend	Louden	Schimek
Burling	Howard	Pahls	Schrock
Cornett	Hudkins	Raikes	Synowiecki

Excused and not voting, 5:

Byars	Combs	Landis	Pedersen, Dw.	Thompson

The Flood amendment was adopted with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Erdman requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 188. E & R amendment, AM7164, found on page 707, was adopted.

Senator Brashear reoffered his amendment, AM2262, printed separately and referred to on page 673 and considered on page 683.

The Brashear amendment lost with 17 ayes, 14 nays, 13 present and not voting, and 5 excused and not voting.

Senator Beutler moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Beutler requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 33:

Aguilar	Cornett	Hudkins	Mines	Schimek
Beutler	Cudaback	Janssen	Pahls	Schrock
Bourne	Engel	Johnson	Pederson, D.	Stuhr
Brashear	Flood	Kopplin	Preister	Synowiecki
Brown	Foley	Kremer	Price	Wehrbein
Chambers	Friend	Kruse	Raikes	
Connealy	Howard	McDonald	Redfield	

Voting in the negative, 2:

Erdman	Smith

Present and not voting, 9:

Baker	Cunningham	Heidemann	Langemeier	Stuthman
Burling	Fischer	Jensen	Louden	

Excused and not voting, 5:

Byars	Combs	Landis	Pedersen, Dw.	Thompson

Advanced to E & R for engrossment with 33 ayes, 2 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 326. Introduced by Burling, 33.

WHEREAS, the Hastings College women's basketball team of Hastings, Nebraska, has won two consecutive National Association of Intercollegiate Athletics (NAIA) Division II national championships in the years 2001-2002 and 2002-2003; and

WHEREAS, in the 2006 NAIA championship final, the Broncos defeated the College of the Ozarks with a 58-39 win; and

WHEREAS, the Broncos were led by senior guard Lynnze Martinsen, who scored fifteen points, was named NAIA Division II first-team all American, won her second national championship for Hastings College, and played in her third final-four game; and

WHEREAS, senior Katie Dent contributed to the win with eight points, claimed eight rebounds to become the leader for individual rebounds during

a tournament with sixty-seven rebounds; climbed to fourth place on the all-time rebounding leaders with one hundred thirteen rebounds, and tied for fifth place on the top single-game rebounding performances with eighteen rebounds in the game against Judson College, received the tournament's most valuable player honor, won her second national championship for Hastings College, and played in her third final-four game; and

WHEREAS, also scoring in double figures was junior Stacy Svoboda with twelve points. She was named a NAIA Division II second-team all-tournament player; and

WHEREAS, Head Coach Tony Hobson was named the NAIA Division II 2006 Coach of the Year. This was his third career national championship season for Hastings College, also winning consecutive national titles in 2002 and 2003. Coach Hobson was the first coach in Nebraska to lead a team to a basketball championship at any college level, men or women; and

WHEREAS, the championship team also included Amanda McKenzie, Molly Alexander, Amanda Gowen, Jeanne Houchin, Mika Huntrods, Katy Rieger, Kay Broekemeier, Sarah Cambridge, Ali Clouse, Jessie Dana, Jackie Engelhardt, Jenny Fricke, Jenna Holt, Meagan Johnson, Ellen Jorgenson, Hannah Kucera, Amber Kulus, Maggie Schmaderer, Rachael VanKirk, Sammy Zuehlke, assistant coach Carrie Hofstetter, and graduate assistant Sandy Kliewer.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Hastings College women's basketball team of Hastings, Nebraska, for winning the 2005-2006 National Association of Intercollegiate Athletics (NAIA) Division II National Championship, earning the team a third National Association of Intercollegiate Athletics (NAIA) Division II title in five years.

2. That a copy of this resolution be sent to the Hastings College women's basketball team.

Laid over.

SELECT FILE

LEGISLATIVE BILL 994. E & R amendment, AM7178, printed separately and referred to on page 962, was adopted.

Senator Jensen renewed the Byars pending amendment, AM2537, found on page 913.

Senator Chambers renewed his pending amendment, FA538, found on page 914, to the Byars pending amendment.

The Chambers amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Senator Beutler withdrew his pending amendment, AM2621, found on page 922.

Senator Beutler offered the following amendment to the Byars pending amendment:
AM2639

(Amendments to AM2537)

1. On page 2, strike beginning with "Placing" in line 4 through "(2)" in line 7; in line 10 strike "(3)" and insert "(2)"; in line 12 strike "(4)" and insert "(3)"; in line 16 strike "(5)" and insert "(4)" and strike "and retaining"; strike beginning with "It" in line 19 through the period in line 22; in line 22 after "Funding" insert "under the Rural Behavioral Health Training and Placement Program Act"; and in line 23 strike "positions and their".

The Beutler amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

The Byars amendment, as amended, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Senator McDonald asked unanimous consent to withdraw the McDonald et al. pending amendment, AM2524, found on page 941, and replace it with the Jensen-McDonald substitute amendment, AM2814. No objections. So ordered.
(Amendment, AM2814, is on file and available in the Clerk's Office, Room 2014.)

The Jensen-McDonald amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Senator Jensen asked unanimous consent to withdraw his pending amendment, AM2598, printed separately and referred to on page 967, and replace it with his substitute pending amendment, AM2754, printed separately and referred to on page 1069. No objections. So ordered.

Senator Smith offered the following amendment to the Jensen pending amendment:
AM2890

(Amendments to AM2754)

1. On page 4, line 5, strike "manipulate" and insert "move"; and in line 7 after the period insert "Manual therapy does not include manipulation involving high velocity thrust performed at the limit of the range of motion.".

Senator Smith withdrew his amendment.

Senator Jensen withdrew his amendment, AM2754.

Senator Howard renewed her pending amendment, AM2663, found on page

1000.

Senator Howard withdrew her amendment.

Pending.

AMENDMENT - Print in Journal

Senators Raikes and Heidemann filed the following amendment to LB 962:
AM2777

1. Strike original section 3 and all amendments thereto and insert the following new sections:

Sec. 2. Section 85-957, Reissue Revised Statutes of Nebraska, is amended to read:

85-957 Peru State College may maintain its existing baccalaureate general academic, baccalaureate occupational, and baccalaureate professional degree programs~~,~~ and shall limit new baccalaureate degree programs to the needs of its unique service area generally defined as the state's southeast region. Peru's cooperative master's degree program in education with the university may be maintained. Subject to approval by the Board of Trustees of the Nebraska State Colleges, Peru State College may offer a Master of Science degree in organizational management with a focus in entrepreneurial and economic development.

Sec. 3. Section 85-1416, Revised Statutes Cumulative Supplement, 2004, is amended to read:

85-1416 (1) Pursuant to the authority granted in Article VII, section 14, of the Constitution of Nebraska and the Coordinating Commission for Postsecondary Education Act, the commission shall, in accordance with the coordination function of the commission pursuant to section 85-1403, review and modify, if needed to promote compliance and consistency with the comprehensive statewide plan and prevent unnecessary duplication, the budget requests of the governing boards.

(2)(a) At least thirty days prior to submitting to the Governor their biennial budget requests pursuant to section 81-1113 and any major deficit appropriation requests pursuant to instructions of the Department of Administrative Services, the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges shall each submit to the commission an outline of its proposed operating budget. The outline of its proposed operating budget or outline of proposed state aid request shall include those information summaries provided to the institution's governing board describing the respective institution's budget for the next fiscal year or biennium. The outline shall contain projections of funds necessary for (i) the retention of current programs and services at current funding levels, (ii) any inflationary costs necessary to maintain current programs and services at the current programmatic or

service levels, and (iii) proposed new and expanded programs and services. In addition to the outline, the commission may request an institution to provide to the commission any other supporting information to assist the commission in its budget review process. An institution may comply with such requests pursuant to section 85-1417.

(b) On September 15 of each biennial budget request year, ~~except as otherwise provided for 2002,~~ the boards of governors of the community colleges or their designated representatives shall submit to the commission outlines of their proposed state aid requests pursuant to sections 85-1536 and 85-1537. ~~In 2002, the boards of governors of the community colleges or their designated representatives shall submit to the commission the outlines no later than the date established by the budget administrator of the budget division of the Department of Administrative Services for the filing of biennial budget requests pursuant to section 81-132.~~

(c) The commission shall analyze institutional budget priorities in light of the comprehensive statewide plan, role and mission assignments, and the goal of prevention of unnecessary duplication. The commission shall submit to the Governor and Legislature by October 15 of each year~~, except as otherwise provided for 2002,~~ recommendations for approval or modification of ~~each budget request~~ the budget requests together with a rationale for ~~each such recommendation. In 2002, the commission shall submit to the Governor and Legislature~~ its recommendations~~. and rationale no later than November 12, 2002.~~ The analysis and recommendations by the commission shall focus on budget requests for new and expanded programs and services and major statewide funding issues or initiatives as identified in the comprehensive statewide plan. If an institution does not comply with the commission's request pursuant to subdivision (a) of this subsection for additional budget information, the commission may so note the refusal and its specific information request in its report of budget recommendations. The commission shall also provide to the Governor and the Appropriations Committee of the Legislature on or before October 1 of each even-numbered year a report identifying public policy issues relating to student tuition and fees, including the appropriate relative differentials of tuition and fee levels between the sectors of public postsecondary education in the state consistent with the comprehensive statewide plan.

(3) At least thirty days prior to submitting to the Governor their biennial budget requests pursuant to section 81-1113 and any major deficit appropriation requests pursuant to instructions of the Department of Administrative Services, the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges shall each submit to the commission information the commission deems necessary regarding each board's capital construction budget requests. The commission shall review the capital construction budget request information

and may recommend to the Governor and the Legislature modification, approval, or disapproval of such requests consistent with the statewide facilities plan and any project approval determined pursuant to subsection (10) of section 85-1414 and to section 85-1415. The commission shall develop from a statewide perspective a unified prioritization of individual capital construction budget requests for which it has recommended approval and submit such prioritization to the Governor and the Legislature for their consideration. In establishing its prioritized list, the commission may consider and respond to the priority order established by the Board of Regents or the Board of Trustees in their respective capital construction budget requests.

(4) Nothing in this section shall be construed to affect other constitutional, statutory, or administrative requirements for the submission of budget or state aid requests by the governing boards to the Governor and the Legislature.

Sec. 4. Section 85-1903, Revised Statutes Cumulative Supplement, 2004, is amended to read:

85-1903 Award means a grant of money by the commission to an eligible student for educational expenses. Awards shall not exceed:

(1) For award years prior to the ~~2006-07~~ 2007-08 award year:

(a) For students who received an award from the Postsecondary Education Award Program Act, the Scholarship Assistance Program Act, or the State Scholarship Award Program Act for the 2002-03 award year, the greater of the total awards received by the student pursuant to such acts for the 2002-03 award year or one-half of the tuition and mandatory fees for a full-time, resident, undergraduate student for the last completed award year at the University of Nebraska-Lincoln; or

(b) For students who did not receive an award from the Postsecondary Education Award Program Act, the Scholarship Assistance Program Act, or the State Scholarship Award Program Act for the 2002-03 award year, one-half of the tuition and mandatory fees for a full-time, resident, undergraduate student for the last completed award year at the University of Nebraska-Lincoln; and

(2) For the ~~2006-07~~ 2007-08 award year and each award year thereafter, twenty-five percent of the tuition and mandatory fees for a full-time, resident, undergraduate student for the last completed award year at the University of Nebraska-Lincoln.

Sec. 5. Original section 85-957, Reissue Revised Statutes of Nebraska, sections 85-1416 and 85-1903, Revised Statutes Cumulative Supplement, 2004, and section 71-17,112, Revised Statutes Supplement, 2005, are repealed.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 968A. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 968, Ninety-ninth Legislature, Second Session, 2006; to provide for transfers; and to declare an emergency.

VISITORS

Visitors to the Chamber were Joshua Kanoy from Arlington; students and teacher from Omaha Christian Academy, Omaha; 8 twelfth-grade students and teacher from Sutherland; Ken, MicKenna, and Kassi Broman and Sydnee Eiland from Lincoln; and Adam Bates from Adamville.

ADJOURNMENT

At 8:58 p.m., on a motion by Senator Stuthman, the Legislature adjourned until 9:00 a.m., Friday, March 24, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-EIGHTH DAY - MARCH 24, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

FORTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 24, 2006

PRAYER

The prayer was offered by Pastor Greg Volzke, Christ Lutheran Church, Juniata.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Byars who was excused; and Senators Bourne, Brown, Engel, McDonald, Mines, Raikes, and Stuhr who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-seventh day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 746, 817, 817A, 1061, 1126, and 1131.

ER9086

Enrollment and Review Change to LB 746

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "appropriations" in line 1 through line 3 and all amendments thereto have been struck and "court costs; to amend sections 81-1413, 81-1428, and 81-1429, Revised Statutes Cumulative Supplement, 2004; to state intent; to provide for grants for civil legal services to eligible low-income persons; to create a fund; to provide and change provisions relating to fees and use of court costs; to change

provisions relating to funding of law enforcement training; and to repeal the original sections." inserted.

(Signed) Michael Flood, Chairperson

REPORTS

The following reports were received by the Legislature:

Education, Department of
State Rehabilitation Council 2005 Annual Report
Retirement Systems, Public Employees
Annual Report to the Legislative Retirement Committee

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 23, 2006, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Marvin, Mike
Public Employees, AFSCME Local 61, Nebraska Association of

SELECT FILE

LEGISLATIVE BILL 994. Senator Flood withdrew his pending amendment, AM2697, found on page 1026.

Senator Jensen withdrew his pending amendments, AM2685 and AM2732, found on page 1036.

Senator Preister renewed his pending amendment, AM2657, found on page 1040.

Senator Preister moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Preister amendment was adopted with 30 ayes, 2 nays, 13 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

The Byars pending amendment, AM2753, found on page 1067, was withdrawn.

Senator Jensen withdrew his pending amendment, AM2750, printed separately and referred to on page 1069.

Senator Johnson withdrew his pending amendment, AM2832, printed separately and referred to on page 1129.

Senator Johnson offered the following amendment:
(Amendment, AM2866, is on file and available in the Clerk's Office, Room 2014.)

The Johnson amendment was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1069. E & R amendment, AM7179, found on page 1026, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1069A. Senator Baker renewed the Byars pending amendment, AM2824, found on page 1123.

The Byars amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 962. E & R amendment, AM7180, found on page 1030, was adopted.

Senator D. Pederson renewed his pending amendment, AM2780, found on page 1084.

The D. Pederson amendment was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 1087. Placed on General File as amended.
Standing Committee amendment to LB 1087:
AM2888

1. Strike the original sections and insert the following new sections:

Section 1. Section 77-2701, Revised Statutes Supplement, 2005, is amended to read:

77-2701 Sections 77-2701 to 77-27,135.01, 77-27,222, and 77-27,228 to 77-27,234 and section 3 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967.

Sec. 2. Section 77-2701.04, Revised Statutes Supplement, 2005, is amended to read:

77-2701.04 For purposes of sections 77-2701.04 to 77-2713 and section 3 of this act, unless the context otherwise requires, the definitions found in sections 77-2701.05 to 77-2701.47 shall be used.

Sec. 3. Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of purchases of fine art by any museum as defined in section 51-702.

Sec. 4. This act becomes operative on October 1, 2006.

Sec. 5. Original sections 77-2701 and 77-2701.04, Revised Statutes Supplement, 2005, are repealed.

LEGISLATIVE BILL 1159. Placed on General File as amended.
Standing Committee amendment to LB 1159:
AM2266

1. On page 2, lines 17 and 18, strike the new matter; and in line 21 strike "or" and show as stricken and before the period insert ", or any nonprofit organization providing community-based services for persons with developmental disabilities".

(Signed) David Landis, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 327. Introduced by Schimek, 27.

PURPOSE: (1) The purpose of this study is to examine the potential utilization by municipalities or counties of Transfer of Development Rights (TDR) programs in the State of Nebraska.

(2) In 2006, LB 979 was introduced and which allowed county boards to regulate and restrict the density of population including, but not limited to, the establishment, transfer, and exercise of development rights.

(3) This study will include, but not be limited to, defining and understanding the mechanics of TDR programs, compiling the advantages and challenges of TDR programs, and measuring the success rate of TDR programs as governing tools.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 328. Introduced by Combs, 32.

PURPOSE: The purpose of this study is to review the issues raised by LB 1030 (2006), as heard by the Government, Military and Veterans Affairs Committee of the Ninety-ninth Legislature, Second Session. Issues addressed by this interim study may include, but are not limited to, the following:

(1) Determination of current procedures for inspection of public park buildings;

(2) Identification of essential inspection requirements for public park buildings;

(3) Examination of possible inspection exemptions for some public entities;

(4) The potential liability issues for cities; and

(5) The relationship, if any, of Neb. Rev. Stat. sections 37-729 to 37-736 to the issues addressed by this study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 329. Introduced by Stuthman, 22; Kremer, 34.

PURPOSE: The purpose of this interim study is to examine and evaluate statutes regarding the movement and transfer of cattle into and out of a brand commission area. The committee should examine and evaluate the practices and procedures of the Nebraska Brand Commission as they implement these statutes, including, but not limited to, document inspection and proof of ownership requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 330. Introduced by Stuthman, 22.

PURPOSE: The purpose of this interim study is to examine statutory rape statutes and the deterrent effect of such statutes. The committee should examine the gender discrepancies in the application of the law and look to other states' statutory rape statutes and how such states handle gender issues and age distinctions with respect to the severity of the crime.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 331. Introduced by Stuthman, 22.

PURPOSE: The purpose of this interim study is to examine and evaluate the process by which determinations are made regarding custodial placement of children during divorce proceedings. The committee should examine the process the court uses to determine which parent is awarded custody, including how a parent's testimony and character factor into the decision, as well as whether there is a judicial preference towards awarding custody to the mother of the child.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 332. Introduced by Combs, 32.

PURPOSE: To study the topic of statutory rape, as defined in section 28-319, and whether or not the current statute is adequate to prosecute or defend an individual charged with this category of first degree sexual assault.

Issues addressed by this interim study may include, but are not limited to, the following:

(1) Graduated penalties based on the age of the involved parties;

(2) Use of proven misrepresentations, provided by the victim, as a basis for a defense; and

(3) Consideration of aggravating and mitigating circumstances when determining penalties.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 333. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact the Uniform Debt-Management Services Act as promulgated by the National Conference of Commissioners on Uniform State Laws in 2005. In order to carry out the purpose of this resolution, the committee should seek and consider the input of the Secretary of State and other interested persons as it deems necessary and beneficial.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 334. Introduced by Mines, 18.

PURPOSE: The purpose of this resolution is to continue the study in Nebraska of issues relating to the Uniform Trust Code which was promulgated by the National Conference of Commissioners on Uniform State Laws in 2000 and recommended to the states as the first comprehensive nationwide codification of the law of trusts. This ongoing study process has been previously conducted pursuant to study resolutions LR 94 (2001), LR 367 (2002), LR 84 (2003), LR 342 (2004), and LR 101 (2005), and has led to the enactment of the Nebraska Uniform Trust Code in 2003 and the adoption of amendments to the code in 2004 and 2005. In order to carry out the purpose of this resolution, the committee's review should include, as it deems necessary and beneficial, the input and assistance of interested persons, legal and scholarly commentary nationwide on the Uniform Trust Code, and legislation on this subject in other jurisdictions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT - Print in Journal

Senators Kremer and Wehrbein filed the following amendment to LB 990:
(Amendment, AM2853, is printed separately and available in the Bill Room, Room 1104.)

SELECT FILE

LEGISLATIVE BILL 962. Senator Raikes renewed the Raikes-Heidemann pending amendment, AM2777, found on page 1156.

The Raikes-Heidemann amendment was adopted with 26 ayes, 2 nays, 19 present and not voting, and 2 excused and not voting.

Senator Jensen offered the following amendment:
AM2893

1. Insert the following sections:

Sec. 2. Section 71-5663, Revised Statutes Cumulative Supplement, 2004, is amended to read:

71-5663 (1) The amount of financial assistance provided through student loans pursuant to the Rural Health Systems and Professional Incentive Act shall be limited to twenty thousand dollars for each recipient for each academic year and shall not exceed eighty thousand dollars per medical, dental, or doctorate-level mental health student or twenty thousand dollars per master's level mental health or physician assistant student.

(2) The amount of financial assistance provided by the state through loan repayments pursuant to the act (a) for physicians, dentists, and psychologists shall be limited to ~~ten~~ twenty thousand dollars per recipient per year of full-time practice in a designated health profession shortage area and shall not exceed ~~thirty~~ sixty thousand dollars per recipient and (b) for physician assistants, advanced practice registered nurses, pharmacists, physical therapists, occupational therapists, and mental health practitioners shall be limited to ~~five~~ ten thousand dollars per recipient per year of full-time practice in a designated health profession shortage area and shall not exceed ~~fifteen~~ thirty thousand dollars per recipient.

Sec. 3. Section 71-5668, Revised Statutes Cumulative Supplement, 2004, is amended to read:

71-5668 Each loan repayment recipient shall execute an agreement with the department and a local entity. Such agreement shall include, at a minimum, the following terms:

(1) The loan repayment recipient agrees to practice his or her profession, and a physician, dentist, advanced practice registered nurse, or physician assistant also agrees to practice an approved specialty, in a designated health profession shortage area for at least three years and to accept medicaid patients in his or her practice;

(2) In consideration of the agreement by the recipient, the State of Nebraska and a local entity within the designated health profession shortage area will provide equal funding for the repayment of the recipient's qualified educational debts, in amounts up to ~~ten~~ twenty thousand dollars per year per recipient for physicians, dentists, and psychologists and up to ~~five~~ ten thousand dollars per year per recipient for physician assistants, advanced practice registered nurses, pharmacists, physical therapists, occupational therapists, and mental health practitioners toward qualified educational debts for up to three years. The department shall make payments directly to the recipient; and

(3) If the loan repayment recipient discontinues practice in the shortage area prior to completion of the three-year requirement, the recipient shall repay to the state one hundred twenty-five percent of the total amount of funds provided to the recipient for loan repayment. Upon repayment by the recipient to the department, the department shall reimburse the local entity its share of the funds.

2. On page 2, line 17, after "Original" insert "sections 71-5663 and 71-5668, Revised Statutes Cumulative Supplement, 2004, and"; and in line 18 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

The Jensen amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 962A. Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 965. Title read. Considered.

The Standing Committee amendment, AM2587, found on page 881, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not

voting, and 5 excused and not voting.

LEGISLATIVE BILL 1010. Title read. Considered.

The Standing Committee amendment, AM2567, found on page 882, was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1189. Title read. Considered.

Senator Landis withdrew his pending motion, found on page 956, to indefinitely postpone LB 1189.

Senator Synowiecki renewed his pending amendment, AM2856, found on page 1145.

SENATOR JANSSEN PRESIDING

The Synowiecki amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

SENATOR CUDABACK PRESIDING

Senators Landis and Synowiecki offered the following amendment:
AM2894

1. Insert the following new sections:

Section 1. Section 77-2701, Revised Statutes Supplement, 2005, is amended to read:

77-2701 Sections 77-2701 to 77-27,135.01, 77-27,222, and 77-27,228 to 77-27,234 and section 3 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967.

Sec. 2. Section 77-2701.04, Revised Statutes Supplement, 2005, is amended to read:

77-2701.04 For purposes of sections 77-2701.04 to 77-2713 and section 3 of this act, unless the context otherwise requires, the definitions found in sections 77-2701.05 to 77-2701.47 shall be used.

Sec. 3. Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of purchases of fine art by any museum as defined in section 51-702.

Sec. 6. Original sections 77-2701 and 77-2701.04, Revised Statutes Supplement, 2005, are repealed.

2. Correct the operative date section so that the sections added by this amendment become operative on October

1, 2006.

3. Renumber the remaining sections accordingly.

The Landis-Synowiecki amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Senators Brown, Chambers, and Landis offered the following amendment:
AM2895

1. Insert the following new sections:

Sec. 2. Section 77-2704.15, Revised Statutes Cumulative Supplement, 2004, is amended to read:

77-2704.15 (1) Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of purchases by the state, including public educational institutions recognized or established under the provisions of Chapter 85, or by any county, township, city, village, rural or suburban fire protection district, city airport authority, county airport authority, joint airport authority, drainage district organized under sections 31-401 to 31-450, natural resources district, elected county fair board, housing agency as defined in section 71-1575 except for purchases for any commercial operation that does not exclusively benefit the residents of an affordable housing project, or joint entity or agency formed to fulfill the purposes described in the Integrated Solid Waste Management Act by any combination of two or more counties, townships, cities, or villages pursuant to the Interlocal Cooperation Act, the Integrated Solid Waste Management Act, or the Joint Public Agency Act, except for purchases for use in the business of furnishing gas, water, electricity, or heat, or by any irrigation or reclamation district, the irrigation division of any public power and irrigation district, or public schools established under Chapter 79.

(2) The appointment of purchasing agents shall be recognized for the purpose of altering the status of the construction contractor as the ultimate consumer of building materials which are physically annexed to the structure and which subsequently belong to the state or the governmental unit. The appointment of purchasing agents shall be in writing and occur prior to having any building materials annexed to real estate in the construction, improvement, or repair. The contractor who has been appointed as a purchasing agent may apply for a refund of or use as a credit against a future use tax liability the tax paid on inventory items annexed to real estate in the construction, improvement, or repair of a project for the state or a governmental unit.

(3) Any governmental unit listed in subsection (1) of this section, except the state, which enters into a contract of construction, improvement, or repair upon property annexed to real estate without first issuing a purchasing agent authorization

to a contractor or repairperson prior to the building materials being annexed to real estate in the project may apply to the Tax Commissioner for a refund of any sales and use tax paid by the contractor or repairperson on the building materials physically annexed to real estate in the construction, improvement, or repair.

Sec. 4. Original section 77-2704.15, Revised Statutes Cumulative Supplement, 2004, is repealed.

Sec. 5. The following section is outright repealed:

Section 5, Legislative Bill 968, Ninety-ninth Legislature, Second Session, 2006.

2. Correct the operative date section so that the sections added by this amendment become operative on October 1, 2006.

3. Renumber the remaining sections accordingly.

The Brown et al. amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1189A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 605, 605A, and 1060.

ER9090

Enrollment and Review Change to LB 1060

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Flood amendment, AM2891, section 170 has been renumbered as section 169.

2. In the E & R amendments, AM7191, on page 1, line 9, "118," has been struck.

(Signed) Michael Flood, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 335. Introduced by Langemeier, 23.

WHEREAS, the David City High School speech team won the 2006 Class C-1 State Speech title, finishing fifty points ahead of second-place North Bend; and

WHEREAS, this marks David City's first speech title in school history, but their second state title in this school year, after they took first in this year's one-act play championships, marking the first time David City High School has had two state championship teams in two activities in the same school year since 1971-72; and

WHEREAS, the team was propelled to the win by two first place individual finishes, Torie Thoendel and Michaela Hruska; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the David City High School speech team on their win at the 2006 Class C-1 State Speech championships.

2. That a copy of this resolution to sent to the speech team and their coach, Jarod Ockander.

Laid over.

LEGISLATIVE RESOLUTION 336. Introduced by Bourne, 8.

PURPOSE: To study the structure of educational service units in Nebraska. The study shall include, but not be limited to, the following:

(1) An examination of the legislative intent with respect to the initial creation of educational service units;

(2) An examination and comparison of the services provided by the different educational service units;

(3) An examination of the educational service unit boundaries relative to the school districts that are served by each educational service unit;

(4) An examination and comparison of the property taxes levied by each educational service unit; and

(5) An examination of the efficiencies that may be realized by the creation of one, statewide educational service unit.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 337. Introduced by Bourne, 8.

PURPOSE: The purpose of this study is to examine the concepts proposed under LB 1153 (2006), which is a bill that allows for the development of a health information technology network to be utilized for the secure exchange of health care information. The bill was heard by the Judiciary Committee during the Ninety-ninth Legislature, Second Session, 2006. The study shall include, but not be limited to, the following:

(1) The examination of the viability of developing a statewide, nonprofit health information network;

(2) The examination of the cost-savings potential of sharing patient information among various health-care providers;

(3) The examination of the potential improvements to patient care through the timely sharing of information;

(4) The examination of the safeguards necessary to ensure patient information is shared securely; and

(5) The examination of the proper penalties for a violation of any law that provides for the secure exchange of patient information.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 338. Introduced by Nebraska Retirement Systems Committee: Stuhr, 24, Chairperson; Bourne, 8; Erdman, 47; D. Pederson, 42; Synowiecki, 7.

PURPOSE: The purpose of this study is to examine the public employee retirement systems administered by the Public Employees Retirement Board, including the State Employees Retirement System, the County Employees Retirement System, the School Employees' Retirement System, the Nebraska State Patrol Retirement System, and the judges retirement system. The study may also examine the Class V School Employees Retirement System administered under the Class V School Employees Retirement Act.

The study will examine issues as they relate to the funding needs, benefits, contributions, and the administration of each retirement system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 339. Introduced by Nebraska Retirement Systems Committee: Stuhr, 24, Chairperson; Bourne, 8; Erdman, 47; D. Pederson, 42; Synowiecki, 7.

PURPOSE: The purpose of this study is to review and update the General Principles of Sound Retirement Planning. The General Principles of Sound Retirement Planning are utilized by the Nebraska Retirement Systems Committee as a guide to evaluate proposed legislation and issues regarding Nebraska's public retirement systems. The General Principles are also used by the Legislature as a guide on each of the retirement systems administered by the Public Employees Retirement Board and those systems not administered by the board.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 340. Introduced by Nebraska Retirement Systems Committee: Stuhr, 24, Chairperson; Bourne, 8; Erdman, 47; D. Pederson, 42.

PURPOSE: The purpose of this study is to review the actuarial assumptions used to perform the annual actuarial valuation for the retirement systems administered by the Public Employees Retirement Board. The actuarial assumptions reviewed by this study shall include, but not be limited to, investment return, inflation, salary increase, interest on employee contributions, increases on compensation and benefit limits, mortality, retirement, and disability.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 341. Introduced by Nebraska Retirement Systems Committee: Stuhr, 24, Chairperson; Bourne, 8; Erdman, 47; D. Pederson, 42; Price, 26; Synowiecki, 7.

PURPOSE: The purpose of this study is to examine the treatment of compensation for the purposes of calculating retirement benefits under both the School Employees Retirement Act and the Class V School Employees Retirement Act and to determine whether such provisions are appropriate in order to ensure uniformity among all school employees.

The study will examine additional technical corrections and clarification of statutory language for the School Employees Retirement Act and the Class V School Employees Retirement Act. Modifications to benefits and contributions may also be considered.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 342. Introduced by Nebraska Retirement Systems Committee: Stuhr, 24, Chairperson; Bourne, 8; Erdman, 47; D. Pederson, 42; Synowiecki, 7.

PURPOSE: The purpose of this study is to examine the minimum benefit for the purchasing power of the original benefit received upon retirement for members of the School Employees' Retirement System.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 343. Introduced by Nebraska Retirement Systems Committee: Stuhr, 24, Chairperson; Bourne, 8; Erdman, 47; D. Pederson, 42; Synowiecki, 7.

PURPOSE: The purpose of this study is to examine the need for the State of Nebraska to make an additional contribution to the School Employees' Retirement System administered under the Class V School Employees Retirement Act, if an actuarial contribution is required to be made by the State of Nebraska for the School Employees' Retirement System administered by the Public Employees Retirement Board.

The study may review and compare the funding needs, benefits, contributions, and the administration of the systems under both the School Employees Retirement Act and the Class V School Employees Retirement Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 344. Introduced by Janssen, 15.

PURPOSE: The purpose of this resolution is to examine matters and issues relating to the licensing and regulating of electronic systems technicians.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Senator Thompson filed the following amendment to LB 1088A:
AM2812

1. On page 2, line 2, strike "$5,000" and insert "$31,000".

Senator Jensen filed the following amendment to LB 994A:
AM2896

1. Insert the following new sections:

Sec. 4. There is hereby appropriated (1) $118,000 from the Department of Health and Human Services Regulation and Licensure Cash Fund for FY2006-07 and (2) $118,000 from the

Department of Health and Human Services Regulation and Licensure Cash Fund for FY2007-08 to the Department of Health and Human Services Regulation and Licensure, for Program 178, to aid in carrying out the provisions of Legislative Bill 994, Ninety-ninth Legislature, Second Session, 2006.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $58,751 for FY2006-07 or $76,334 for FY2007-08.

Sec. 5. There is hereby appropriated $5,573 from the Professional and Occupational Credentialing Cash Fund for FY2006-07 to the Department of Health and Human Services Regulation and Licensure, for Program 178, to aid in carrying out the provisions of Legislative Bill 994, Ninety-ninth Legislature, Second Session, 2006.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 6. There is hereby appropriated $45,000 from the Nebraska Health Care Cash Fund for FY2006-07 to the Department of Health and Human Services Regulation and Licensure, for Program 179, to aid in carrying out the provisions of Legislative Bill 994, Ninety-ninth Legislature, Second Session, 2006.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 7. There is hereby appropriated (1) $200,000 from the General Fund for FY2006-07 and (2) $200,000 from the General Fund for FY2007-08 to the University of Nebraska, for Program 781, to aid in carrying out the provisions of Legislative Bill 994, Ninety-ninth Legislature, Second Session, 2006.

There is included in the appropriation to this program $200,000 General Funds for FY2006-07 and $200,000 General Funds for FY2007-08 for the Rural Behavioral Health Training and Placement Program at the Munroe-Meyer Institute at the University of Nebraska Medical Center. It is the intent of the Legislature to appropriate $200,000 annually for the Rural Behavioral Health Training and Placement Program.

2. Renumber the remaining section accordingly.

Senator Stuthman filed the following amendment to LB 454:
AM2872

(Amendments to Final Reading copy)

1. Insert the following new section:

Sec. 22. (1) The Nebraska State Patrol shall assemble data each year on the number of cases in which a permitholder was convicted of (a) a violation of the Concealed Handgun Permit Act or (b) any offense involving the use of a firearm.

(2) The number of such cases shall be updated annually by the Nebraska State Patrol and shall be compared in numerical

format to all offenses committed in this state involving the use of a firearm for the year, except violations of section 28-1202, as a percentage of the total of such offenses. This information shall be available on the patrol's website.

(3) The Nebraska State Patrol shall adopt and promulgate rules and regulations setting forth the manner in which local law enforcement or county attorneys shall report such cases to the patrol.

2. On page 2, line 1, strike "21" and insert "22".

3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 956. Title read. Considered.

The Special Committee amendment, AM2479, found on page 818, was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1222. Title read. Considered.

The Standing Committee amendment, AM2238, printed separately and referred to on page 687, was considered.

Senator Baker withdrew his pending amendment, AM2734, found on page 1036.

Senator Baker renewed his pending amendment, AM2745, found on page 1067, to the Standing Committee amendment.

Pending.

AMENDMENT - Print in Journal

Senator Mines filed the following amendment to LB 856A:
AM2887

1. Insert the following new section:

Sec. 2. There is hereby appropriated (1) $20,000 from the Commercial Dog and Cat Operator Inspection Program Cash Fund for FY2006-07 and (2) $20,000 from the Commercial Dog and Cat Operator Inspection Program Cash Fund for FY2007-08 to the Department of Agriculture, for Program 63, to aid in carrying out the provisions of Legislative Bill 856, Ninety-ninth Legislature, Second Session, 2006.

No expenditures for permanent and temporary salaries and

per diems for state employees shall be made from funds appropriated in this section.

RESOLUTION

LEGISLATIVE RESOLUTION 345. Introduced by Synowiecki, 7; Bourne, 8; Connealy, 16; Friend, 10; Kopplin, 3; Kruse, 13; Mines, 18; Pahls, 31; Dw. Pedersen, 39; Preister, 5; Thompson, 14; Wehrbein, 2.

PURPOSE: The purpose of this study is to review Nebraska's existing community college funding statutes to identify changes that would advance quality postsecondary educational opportunities which best serve the State of Nebraska and the constituents of each community college area.

The study should consider the intent of LB 1251 (2006), including the following:

(1) Allocating state aid to the community colleges based on students served and not other noneducational factors;

(2) Reducing Nebraska taxpayer support of students who do not reside or work in Nebraska;

(3) Returning property tax control to the locally elected community college area board of governors, thereby giving area constituents more local control of service and funding decisions;

(4) Establishing a simplified formula that is more easily explained and justified to constituents; and

(5) Encouraging effective and efficient operations, by making each community college more accountable to the area they serve.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Cointroducers

Senator Mines asked unanimous consent to add his name as cointroducer to LB 746. No objections. So ordered.

Senator Erdman asked unanimous consent to add his name as cointroducer to LB 965. No objections. So ordered.

VISITORS

Visitors to the Chamber were Michael Jones and Christoffer Rachow from Community Correctional Center, Lincoln; 45 fourth-grade students and teachers from Plattsmouth; 32 fourth-grade students and teachers from

York; Brian Michael Kitching from Lincoln; Grace, Sam, Ted, Amy, and Layne Lueders from Blair; and 22 fourth-grade students and teacher from North Bend.

The Doctor of the Day was Dr. Jessica Farnsworth from Omaha.

ADJOURNMENT

At 12:32 p.m., on a motion by Senator Thompson, the Legislature adjourned until 10:00 a.m., Monday, March 27, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-NINTH DAY - MARCH 27, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 27, 2006

PRAYER

The prayer was offered by Pastor Merle Powell, Auburn Christian Church, Auburn.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Bourne, Brashear, Erdman, and Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-eighth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 968. Placed on Select File as amended.
(E & R amendment, AM7192, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 808. Placed on Select File as amended.
E & R amendment to LB 808:
AM7196

1. In the Standing Committee amendments, AM2210:
a. Insert the following new section:
Sec. 23. Section 77-1507.01, Revised Statutes Supplement, 2005, is amended to read:
77-1507.01 Any person otherwise having a right to appeal may petition the Tax Equalization and Review Commission in accordance with section 77-5013, on or before December 31 of each year, to determine the actual value~~,~~ or special value~~, or recapture value~~ of real property for that year if a failure to give notice prevented timely filing of a protest or appeal provided for

in sections 77-1501 to 77-1507.;

b. On page 7, line 10, after the semicolon insert "and";

c. On page 15, line 18, reinstate the stricken "signer's"; and in line 19 strike "applicant's";

d. On page 16, lines 9 and 10 and 20, strike "and recapture value" and show as stricken; and in lines 12 and 24 strike "or recapture value" and show as stricken;

e. On page 20, line 24, strike "or owner";

f. On page 21, line 10, after "77-1315" insert an underscored comma;

g. On page 25, line 3, after "property" insert an underscored comma;

h. On page 45, line 12, strike "32, and 34" and insert "23, 27, 28, 33, and 35"; in line 18 before "and" insert "77-5019,"; in line 22 strike "Comulative" and insert "Cumulative"; and in line 24 strike "and 77-1355" and insert "77-1355, and 77-1507.01"; and

i. Renumber the remaining sections accordingly.

2. On page 1, line 1, strike beginning with "revenue" in line 1 through line 4 and insert "taxation; to amend sections 18-2148, 18-2149, 19-2428, 23-3209, 77-801.01, 77-1359, 77-1843, 77-5009, and 77-5029, Reissue Revised Statutes of Nebraska, sections 18-2117.01, 18-2147, 23-3202, 77-422, 77-1343, 77-1345, 77-1348, 77-1363, 77-5022, and 77-5023, Revised Statutes Cumulative Supplement, 2004, and sections 77-201, 77-1344, 77-1345.01, 77-1347, 77-1355, 77-1502, 77-1504, 77-1507, 77-1507.01, 77-5019, and 79-1016, Revised Statutes Supplement, 2005; to define and redefine terms; to change and eliminate provisions relating to tax-increment financing, assessment and assessors, agricultural and horticultural land classification and valuation, and proceedings of county boards of equalization and the Tax Equalization and Review Commission; to eliminate a penalty relating to county assessors; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 77-1360.01, 77-1361, 77-1362, 77-1515, and 77-1613.03, Reissue Revised Statutes of Nebraska; and to declare an emergency.".

LEGISLATIVE BILL 786. Placed on Select File as amended.

E & R amendment to LB 786:

AM7195

1. In the Standing Committee amendments, AM2533:

a. On page 1, line 20, strike "and"; and

b. On page 8, line 17, before the period insert "and section 4 of this act".

2. On page 1, strike beginning with "recall" in line 1 through line 8 and insert "the Election Act; to amend sections 32-1301, 32-1302, 32-1303, and 32-1304, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Supplement, 2005; to change provisions relating to recall of elected officials; to

define terms; to harmonize provisions; and to repeal the original sections.".

LEGISLATIVE BILL 915. Placed on Select File as amended.
E & R amendment to LB 915:
AM7193

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. For purposes of sections 1 to 4 of this act:

(1) Clandestine drug lab means any area where glassware, heating devices, or other equipment or precursors, solvents, or related articles or reagents are used to unlawfully manufacture methamphetamine;

(2) Contaminated property means an enclosed area of any property or portion thereof intended for human habitation or use which has been contaminated by chemicals, chemical residue, methamphetamine, methamphetamine residue, or other substances from a clandestine drug lab;

(3) Department means the Department of Health and Human Services Regulation and Licensure;

(4) Law enforcement agency has the meaning found in section 81-1401;

(5) Local public health department has the meaning found in section 71-1626;

(6) Methamphetamine means methamphetamine, its salts, optical isomers, and salts of its isomers; and

(7) Rehabilitate or rehabilitation means all actions necessary to ensure that contaminated property is safe for human habitation or use.

Sec. 2. A law enforcement agency that discovers a clandestine drug lab in the State of Nebraska shall report the location of such lab to the Nebraska State Patrol within thirty days after making such discovery. Such report shall include the date of discovery of such lab, the county where the property containing such lab is located, and a legal description of the property or other description or address of such property sufficient to clearly establish its location. As soon as practicable after such discovery, the law enforcement agency shall provide the Nebraska State Patrol with a complete list of the chemicals, including methamphetamine, its precursors, solvents, and related reagents, found at or removed from the location of such lab. Upon receipt, the Nebraska State Patrol shall promptly forward a copy of such report and list to the department, the Department of Environmental Quality, the municipality or county where the lab is located, and the director of the local public health department serving such municipality or county.

Sec. 3. (1) The local public health department serving the municipality or county where a clandestine drug lab has been discovered shall monitor the rehabilitation of any contaminated

property at such location in accordance with standards and procedures established or approved by the department. The department shall adopt and promulgate rules and regulations to establish such standards and procedures no later than July 15, 2007.

(2) A local public health department may charge and collect fees from the owner or owners of contaminated property to cover the costs directly associated with monitoring the rehabilitation of such property under this section as provided in rules and regulations of the department. A local public health department may contract with other local public health departments or other appropriate entities to assist in the monitoring of such rehabilitation. Upon the completion of such rehabilitation, the local public health department shall release the property for human habitation and commercial or other use in a timely manner.

(3) The owner or owners of contaminated property shall not permit the human habitation or use of such property until the rehabilitation of such property has been completed and the property has been released for such habitation or use under this section.

Sec. 4. Notwithstanding any other provision of law, if leased property contains a clandestine drug lab, an owner may terminate the lease agreement upon three days' written notice for the purpose of rehabilitating the contaminated property in accordance with the rules and regulations adopted and promulgated pursuant to section 3 of this act.

2. On page 1, line 3, after "provide" insert "powers and".

LEGISLATIVE BILL 990. Placed on Select File as amended.
(E & R amendment, AM7194, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 872A. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: LBs 188, 690, 690A, 1086, 1086A, 1208, and 1208A.

ER9089

Enrollment and Review Change to LB 690

The following changes, required to be reported for publication in the Journal, have been made:

1. In lieu of the Mines amendment, FA623, in the Stuhr amendment, AM2725:

a. The following new section has been inserted:

"Sec. 6. The Career Education Partnership Act terminates on January 1, 2011."; and

b. On page 1, line 3, "5" has been struck and "6" inserted.

2. On page 1, line 2, "; and to provide a termination date" has been inserted after "Act".

ER9087

Enrollment and Review Change to LB 1208

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Raikes-Thompson amendment, AM2721:

a. On page 1, line 12, "21 and 22" has been struck and "22 and 23" inserted; in line 18 an underscored comma has been inserted after "Act"; in line 20 "such" has been struck; and in line 21 "22 and 23 of this act" has been inserted after "sections"; and

b. On page 2, lines 3 and 11, an underscored comma has been inserted after "Act"; in lines 5 and 14 "such" has been struck; and in lines 6 and 14 "22 and 23 of this act" has been inserted after "sections".

2. On page 2, the matter beginning with "the" in line 2 through the first comma in line 3 has been struck; and the matter beginning with "79-8,132" in line 5 through "79-8,140," in line 7 has been struck.

(Signed) Michael Flood, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 346. Introduced by Kruse, 13.

WHEREAS, Phi Theta Kappa is the international honor society for two-year colleges symbolizing excellence in higher education and a commitment to students; and

WHEREAS, the words Phi Theta Kappa in Greek mean wisdom, aspiration, and purity; and

WHEREAS, students must have a grade point average of 3.5 or higher to be invited to join Phi Theta Kappa; and

WHEREAS, Phi Theta Kappa introduced State Academic Teams in 1994 as a way to provide scholastic recognition to members while promoting excellence at two-year colleges; and

WHEREAS, Nebraska will honor the Phi Theta Kappa State Academic Team with a special ceremony in the Warner Chamber at the State Capitol on April 5, 2006; and

WHEREAS, the members of the State Academic Team will compete for membership on the Academic All-American Team.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the All-Nebraska Academic Team be congratulated for their achievement and scholastic excellence.

2. That a copy of this resolution be presented to the Nebraska Community College Association on behalf of the All-Nebraska Academic Team.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 968A. Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

SPEAKER BRASHEAR PRESIDING

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 311 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 311.

SENATOR CUDABACK PRESIDING

WITHDRAW - Amendment to LB 876

Senator Mines withdrew the Mines et al. pending amendment, AM2287, printed separately and referred to on page 761, to LB 876.

MOTION - Return LB 876 to Select File

Senator Mines moved to return LB 876 to Select File for the Mines et al. specific pending amendment, AM2736, printed separately and referred to on page 1064.

The Mines motion to return prevailed with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 876. The Mines et al. specific pending amendment, AM2736, printed separately and referred to on page 1064, was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 876 to Select File

Senator Chambers moved to return LB 876 to Select File for the following specific amendment:
FA636
P. 25, line 19 strike "Banker's" and show as stricken, and insert "Bankers".

The Chambers motion to return prevailed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 876. The Chambers specific amendment, FA636, found in this day's Journal, was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 75 to Select File

Senator Beutler moved to return LB 75 to Select File for his specific pending amendment, AM2762, found on page 1070.

The Beutler motion to return prevailed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 75. The Beutler specific pending amendment, AM2762, found on page 1070, was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to E & R for reengrossment.

LEGISLATIVE BILL 968. E & R amendment, AM7192, printed separately and referred to in this day's Journal, was adopted.

Senators Landis and Brown offered the following amendment:
AM2905

(Amendments to E & R amendments, AM7192)

1. Strike section 5 and insert the following new section:

Sec. 5. (1) Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption of purchases of building materials and construction services by a housing agency as defined in section 71-1575.

(2) The appointment of purchasing agents shall be recognized for the purpose of altering the status of the construction contractor as the ultimate consumer of building

materials which are physically annexed to the structure and which subsequently belong to the housing agency. The appointment of purchasing agents shall be in writing and occur prior to having any building materials annexed to real estate in the construction, improvement, or repair. The contractor who has been appointed as a purchasing agent may apply for a refund or use as a credit against a future tax liability the tax paid on inventory items annexed to real estate in the construction, improvement, or repair of a project for the housing agency.

(3) Any housing agency which enters into a contract of construction, improvement, or repair upon property annexed to real estate without first issuing a purchasing agent authorization to a contractor or repairperson prior to the building materials being annexed to real estate in the project may apply to the Tax Commissioner for a refund of any sales and use tax paid by the contractor or repairperson on the building materials physically annexed to real estate in the construction, improvement, or repair.

The Landis-Brown amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 808. E & R amendment, AM7196, found in this day's Journal, was adopted.

Senator Kopplin withdrew his pending amendment, AM2834, found on page 1124.

Senator Kopplin offered the following amendment:
AM2908

1. In AM2210:

a. Strike section 16 and insert the following new section:

Sec. 16. Section 77-1348, Revised Statutes Cumulative Supplement, 2004, is amended to read:

77-1348 (1) Whenever land which has received special valuation becomes disqualified for such special valuation, the assessor shall notify the taxpayer and there shall be added to the tax extended against the land on the respective property tax roll or rolls, to be collected and distributed in the same manner as other taxes levied upon real property, an amount equal to, if ~~the sum of the following:(a) If~~ the land was disqualified for special valuation before the levy date of the year of disqualification, the total amount by which the taxes assessed against the land would have been increased if it had been valued at its recapture value during the last three or lesser number of years in which such special valuation was in effect for the land, and, if the land was disqualified on or after the levy date of the year of

disqualification, the total amount by which the taxes assessed against the land would have increased if it had been valued at its recapture value during the last four or lesser number of years in which special valuation was in effect for the land. ~~; and~~

~~(b) Interest upon the amounts of additional tax from each year included in subdivision (1)(a) of this section at the rate of six percent from the dates at which such additional taxes would have been payable if no special valuation had been in effect through sixty days after the notice sent pursuant to subsection (1) of this section. Upon expiration of the sixty days, the additional taxes and interest shall be delinquent and interest shall accrue at the rate provided in section 45-104.01 until paid.~~

(2) In cases when the designation of special valuation is removed as a result of a sale or transfer described in subdivision (2) or (3) of section 77-1347 other than an acquisition described in subsection (3) of this section, the lien for such increased taxes ~~and interest~~ shall attach as of the day preceding such sale or transfer.

(3) The provisions of subsection (1) of this section do not apply if:

(a) The land was acquired by eminent domain;

(b) The land is owned by a public entity and is disqualified from special valuation because it is being used or is being developed for use in a public purpose or is exchanged for other property to be used or developed for use in a public purpose; or

(c) The land is donated to an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code or to the state or its political subdivisions and will be used by the organization, state, or political subdivision for a public, educational, religious, charitable, or cemetery purpose under section 77-202.

(4) The county assessor may make a determination that land no longer qualifies for special valuation pursuant to sections 77-1344 and 77-1347. If the county assessor's disqualification determination is made on or before March 19 of the year for which the land is deemed disqualified, the county assessor shall send a written notice of the determination to the applicant or owner within fifteen days after his or her determination, including the reason for the disqualification. A protest of the county assessor's determination may be filed with the county board of equalization within thirty days after the mailing of the notice. The county board of equalization shall decide the protest within thirty days after the filing of the protest. The county clerk shall, within seven days after the county board of equalization's final decision, mail to the protester written notification of the board's decision. The decision of the county board of equalization may be appealed to the Tax Equalization and Review Commission in accordance with section 77-5013 within thirty days after the date of the decision.

The valuation notice relating to the land subject to the county assessor's disqualification notice shall be sent in accordance with subsection (2) of section 77-1315 and the valuation may be protested pursuant to section 77-1502.

(5) If the county assessor's disqualification determination is made after March 19 and on or before July 25 of the year for which the land is deemed disqualified, the county assessor shall prepare a report for the county board of equalization setting forth the parcel the county assessor believes should be disqualified, the reason for the disqualification, and the valuation of the property after disqualification. The county board of equalization may meet on or after June 1 and on or before July 25 to consider the question of the disqualification and valuation of a parcel or parcels reported to the county board of equalization pursuant to this section. Upon review of the report from the county assessor, the county board of equalization may issue a written notice to the taxpayer determining that the parcel should be disqualified and determining the valuation of the parcel after disqualification. A protest of either the disqualification determination or the valuation of the parcel, or both, may be filed with the county board of equalization within thirty days after the mailing of the notice. The county board of equalization shall decide the protest within thirty days after the filing of the protest. The county clerk shall, within seven days after the county board of equalization's final decision, mail to the protester written notification of the board's decision. The decision of the county board of equalization may be appealed to the Tax Equalization and Review Commission in accordance with section 77-5013 within thirty days after the date of the decision.

b. On page 12, lines 16 through 19, strike the new matter and reinstate the stricken matter; and in line 18 after the reinstated matter insert "and"; and

c. On page 14, lines 14 through 18, strike the new matter and reinstate the stricken matter;

2. In the E & R amendments, AM7196, strike amendments 1 a and d.

3. Renumber the remaining sections and correct internal references and the repealer accordingly.

Senator Kopplin withdrew his amendment.

Senator Brashear asked unanimous consent to bracket LB 808 until March 28, 2006. No objections. So ordered.

LEGISLATIVE BILL 786. E & R amendment, AM7195, found in this day's Journal, was adopted.

Senator Mines offered the following amendment:
AM2867

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 32-101, Revised Statutes Supplement, 2005, is amended to read:

32-101 Sections 32-101 to 32-1551 and section 4 of this act shall be known and may be cited as the Election Act.

Sec. 2. Section 32-1301, Reissue Revised Statutes of Nebraska, is amended to read:

32-1301 For purposes of sections 32-1301 to 32-1309~~,~~ ~~filing clerk shall mean~~ and section 4 of this act:

(1) Filing clerk means the election commissioner or county clerk for recall of elected officers of cities, villages, counties, irrigation districts, natural resources districts, public power districts, school districts, community college areas, educational service units, hospital districts, and metropolitan utilities districts; ~~.~~

(2) Malfeasance in office means the knowing and intentional commission by a public official of an unlawful or wrongful act in the performance of the duties of such public official which infringes on the rights of any person or entity;

(3) Misfeasance in office means the negligent performance by a public official of the duties of such public official or the negligent failure by a public official to perform a specific act which is a required part of the duties of such public official; and

(4) Nonfeasance in office means the knowing and intentional failure by a public official to perform a specific act which is a required part of the duties of such public official.

Sec. 3. Section 32-1302, Reissue Revised Statutes of Nebraska, is amended to read:

32-1302 (1) Except ~~for trustees of sanitary and improvement districts~~ as otherwise provided in sections 31-786 to 31-793, any elected official of a political subdivision and any elected member of the governing bodies of cities, villages, counties, irrigation districts, natural resources districts, public power districts, school districts, community college areas, educational service units, hospital districts, and metropolitan utilities districts may be removed from office by recall pursuant to sections 32-1301 to 32-1309 and section 4 of this act. ~~A trustee of a sanitary and improvement district may be removed from office by recall pursuant to sections 31-786 to 31-793.~~

(2) If due to reapportionment the boundaries of the area served by the official or body change, the recall procedure and special election provisions of sections 32-1301 to 32-1309 and section 4 of this act shall apply to the registered voters within the boundaries of the new area.

(3) The recall procedure and special election provisions of such sections shall apply to members of the governing bodies listed in subsection (1) of this section~~, other than sanitary and improvement districts,~~ who are elected by precinct, district, or

subdistrict of the political subdivision. Only registered voters of such member's precinct, district, or subdistrict may sign a recall petition or vote at the recall election. The recall election shall be held within the member's precinct, district, or subdistrict. When an elected member is nominated by precinct, district, or subdistrict in the primary election and elected at large in the general election, the recall provisions shall apply to the registered voters at the general election.

(4) The recall procedure and special election provisions shall apply to the mayor and members of the city council of municipalities with a home rule charter notwithstanding any contrary provisions of the home rule charter.

Sec. 4. One or more registered voters proposing the recall of an elected official or elected member of a governing body listed in section 32-1302 shall submit to the filing clerk a typewritten statement, in concise language of sixty or fewer words, alleging facts which if true establish malfeasance in office, misfeasance in office, or nonfeasance in office for which recall of the official or member is sought. Such voter or voters shall be deemed to be the principal circulator or circulators of the recall petition.

Sec. 5. Section 32-1303, Reissue Revised Statutes of Nebraska, is amended to read:

32-1303 (1) A petition demanding that the question of removing an elected official or elected member of a governing body listed in section 32-1302 be submitted to the registered voters shall be signed by registered voters equal in number to at least thirty-five percent of the total vote cast for ~~that~~ such office in the last general election, except that (a) for an office for which more than one candidate is chosen, the petition shall be signed by registered voters equal in number to at least thirty-five percent of the number of votes cast for the person receiving the most votes for such office in the last general election, (b) for a member of a board of a Class I school district, the petition shall be signed by registered voters of the school district equal in number to at least twenty-five percent of the total number of registered voters residing in the district on the date that the recall petitions are first ~~checked out~~ procured from the filing clerk by the principal circulator or circulators, and (c) for a member of a governing body of a village, the petition shall be signed by registered voters equal in number to at least forty-five percent of the total vote cast for the person receiving the most votes for that office in the last general election. The signatures shall be affixed to petition papers and shall be considered part of the petition.

(2) Petition circulators shall conform to the requirements of section 32-630.

(3) The petition papers shall be procured from the filing clerk. Prior to the issuance of such petition papers, an affidavit shall be signed and filed with the filing clerk by ~~at least one~~

~~registered voter. Such voter or voters shall be deemed to be~~ the principal circulator or circulators of the recall petition. The affidavit shall state the name and office of the elected official or elected member sought to be removed, shall include ~~in typewritten form in concise language of sixty words or less the reason or reasons for which recall is sought~~ the statement of allegations filed pursuant to section 4 of this act, and shall request that the filing clerk issue initial petition papers to the principal circulator or circulators for circulation.

(4) The filing clerk shall notify the ~~official~~ individual sought to be removed by any method specified in section 25-505.01 or, if notification cannot be made with reasonable diligence by any of the methods specified in section 25-505.01, by leaving a copy of the affidavit at the ~~official's~~ individual's usual place of residence and mailing a copy by first-class mail to the ~~official's~~ individual's last-known address. ~~If the official chooses~~ Within twenty days after the individual receives the copy of the affidavit, he or she may submit a typewritten defense statement, ~~in typewritten form~~ in concise language of sixty or fewer words, ~~or less~~ for inclusion on the petition or he or she may file an action in the district court having jurisdiction over the county in which such individual resides to challenge the sufficiency of the allegations in the statement filed by the principal circulator or circulators. The court shall presume the allegations in the statement are true and construe them in the light most favorable to the principal circulator or circulators and shall determine, without hearing and without cost to any party, whether the allegations in the statement establish the existence of malfeasance in office, misfeasance in office, or nonfeasance in office. The clerk of the district court shall notify the filing clerk and all parties of the court's decision within five days after the decision is rendered. If the allegations are found to be sufficient to establish the existence of malfeasance in office, misfeasance in office, or nonfeasance in office, the individual whose removal is sought may submit a defense statement as described in this subsection within twenty days after receiving the notice of the decision. Upon receipt of the defense statement or upon the expiration of such twenty-day period if no defense statement is submitted, the filing clerk shall issue the petition papers to the principal circulator or circulators pursuant to this section. If the allegations are found not to be sufficient, the filing clerk shall not issue the petition papers. ~~Any such defense statement shall be submitted to the filing clerk within twenty days after the official receives the copy of the affidavit.~~

(5) The filing clerk shall notify the principal circulator or circulators that the necessary signatures must be gathered within thirty days after ~~from~~ the date of issuing the petitions. ~~(4)~~ The filing clerk, upon issuing the initial petition papers or any subsequent petition papers, shall enter in a record,

to be kept in his or her office, the name of the principal circulator or circulators to whom the papers were issued, the date of issuance, and the number of papers issued. The filing clerk shall certify on the papers the name of the principal circulator or circulators to whom the papers were issued and the date they were issued. No petition paper shall be accepted as part of the petition unless it bears such certificate. The principal circulator or circulators who ~~check out~~ procure petitions from the filing clerk may distribute such petitions to persons who may act as circulators of such petitions.

~~(5)~~ (6) Petition signers shall ~~conform to~~ comply with the requirements of sections 32-629 and 32-630. Each signer of a recall petition shall be a registered voter and qualified by his or her place of residence to vote for the office in question.

Sec. 6. Section 32-1304, Reissue Revised Statutes of Nebraska, is amended to read:

32-1304 (1) The Secretary of State shall design the uniform petition papers to be distributed by all filing clerks and shall keep a sufficient number of such blank petition papers on file for distribution to any filing clerk requesting recall petitions. The petition papers shall as nearly as possible conform to the requirements of section 32-628.

(2) In addition to the requirements specified in section 32-628, for the purpose of preventing fraud, deception, and misrepresentation, every sheet of each petition paper presented to a registered voter for his or her signature shall have upon it, above the lines for signatures, (a) a statement that the signatories must be registered voters qualified by residence to vote for the office in question and support the holding of a recall election and (b) in letters not smaller than sixteen-point type in red print (i) the name and office of the individual sought to be recalled, (ii) the ~~reason or reasons for which recall is sought~~ statement of allegations filed pursuant to section 4 of this act, (iii) the defense statement, if any, submitted by the elected official or elected member pursuant to section 32-1303, and (iv) the name of the principal circulator or circulators of the recall petition. ~~The~~ Neither the decision of a county attorney to prosecute or not to prosecute any individual, nor the finding of the district court pursuant to section 32-1303, shall ~~not~~ be stated on a petition as a reason for recall.

(3) Every sheet of each petition paper presented to a registered voter for his or her signature shall have upon it, below the lines for signatures, an affidavit as required in subsection (3) of section 32-628 which also includes language substantially as follows: "and that the affiant stated to each signer, before the signer affixed his or her signature to the petition, the following: (a) The name and office of the individual sought to be recalled, (b) the ~~reason or reasons for which recall is sought as printed on the petition~~ statement of allegations filed pursuant to section 4

of this act, (c) the defense statement, if any, submitted by the official or member as printed on the petition, and (d) the name of the principal circulator or circulators of the recall petition."

(4) Each petition paper shall contain a statement entitled Instructions to Petition Circulators prepared by the Secretary of State to assist circulators in understanding the provisions governing the petition process established by sections 32-1301 to 32-1309 and section 4 of this act. The instructions shall include the following statements:

(a) No one circulating this petition paper in an attempt to gather signatures shall sign the circulator's affidavit unless each person who signed the petition paper did so in the presence of the circulator.

(b) No one circulating this petition paper in an attempt to gather signatures shall allow a person to sign the petition until the circulator has stated to the person (i) the object of the petition as printed on the petition, (ii) the name and office of the individual sought to be recalled, (iii) the ~~reason or reasons for which recall is sought as printed on the petition~~ statement of allegations filed pursuant to section 4 of this act, (iv) the defense statement, if any, submitted by the official or member as printed on the petition, and (v) the name of the principal circulator or circulators of the recall petition.

Sec. 7. Original sections 32-1301, 32-1302, 32-1303, and 32-1304, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Supplement, 2005, are repealed.

Senator Louden offered the following amendment to the Mines pending amendment:
AM2915

(Amendments to AM2867)

1. On page 5, strike beginning with the first "or" in line 14 through line 27.

2. On page 6, lines 1 through 9, strike the new matter; and in lines 9 through 11 reinstate the stricken matter.

3. On page 7, lines 26 and 27; and page 8, line 1, strike the new matter and reinstate the stricken matter.

Senator Kruse moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Senator Louden moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

The Louden amendment was adopted with 26 ayes, 7 nays, and 16 present and not voting.

The Chair declared the call raised.

Pending.

AMENDMENTS - Print in Journal

Senator D. Pederson filed the following amendment to LB 746A:
AM2900

1. Insert the following new sections:

Sec. 2. There is hereby appropriated (1) $145,000 from the Civil Legal Services Fund for FY2006-07 and (2) $290,000 from the Civil Legal Services Fund for FY2007-08 to the Supreme Court, for Program 52, to aid in carrying out the provisions of Legislative Bill 746, Ninety-ninth Legislature, Second Session, 2006.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

There is included in the appropriation to this program for FY2006-07 $145,000 Cash Funds for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2007-08 $290,000 Cash Funds for state aid, which shall only be used for such purpose.

Sec. 3. There is hereby appropriated (1) $63,500 from the General Fund for FY2006-07 and (2) $127,000 from the General Fund for FY2007-08 to the Nebraska Commission on Law Enforcement and Criminal Justice, for Program 199, to aid in carrying out the provisions of Legislative Bill 746, Ninety-ninth Legislature, Second Session, 2006.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 4. The Cash Fund appropriation for FY2006-07 for the Nebraska Commission on Law Enforcement and Criminal Justice, for Program 199, is hereby reduced by $63,500. The Cash Fund appropriation for FY2007-08 for the Nebraska Commission on Law Enforcement and Criminal Justice, for Program 199, is hereby reduced by $127,000.

2. On page 2, after line 5 insert:

"There is included in the appropriation to this program for FY2006-07 $200,000 General Funds for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2007-08 $200,000 General Funds for state aid, which shall only be used for such purpose.".

Senator Mines filed the following amendment to LB 856:
AM2886

(Amendments to Final Reading copy)

1. Insert the following sections:

Sec. 13. Section 54-625, Reissue Revised Statutes of

Nebraska, is amended to read:

54-625 Sections 54-625 to 54-641 and section 16 of this act shall be known and may be cited as the Commercial Dog and Cat Operator Inspection Act.

Sec. 15. Section 54-633, Reissue Revised Statutes of Nebraska, is amended to read:

54-633 (1) In order to ensure compliance with the Commercial Dog and Cat Operator Inspection Act, the department may apply for a restraining order, temporary or permanent injunction, or mandatory injunction against any person violating or threatening to violate the act, the rules and regulations, or any order of the director issued pursuant thereto. The district court of the county where the violation is occurring or is about to occur shall have jurisdiction to grant relief upon good cause shown. Relief may be granted notwithstanding the existence of any other remedy at law and shall be granted without bond.

The county attorney of the county in which such violations are occurring or about to occur shall, when notified of such violation or threatened violation, cause appropriate proceedings under this section to be instituted and pursued without delay.

(2) If alleged violations of the Commercial Dog and Cat Operator Inspection Act, the rules and regulations, or an order of the director or an offense against animals observed by an inspector in the course of performing an inspection under the act poses a significant threat to the health or safety of the dogs or cats harbored or owned by an applicant or licensee, the department may direct an inspector to impound the dogs or cats pursuant to sections 28-1011 and 28-1012 or may request ~~a~~ any other law enforcement officer as defined in section 28-1008 to impound the dogs or cats pursuant to sections 28-1011 and 28-1012. The department shall cooperate and coordinate with law enforcement agencies, political subdivisions, animal shelters, humane societies, and other appropriate entities, public or private, to provide for the care, shelter, and disposition of animals impounded by the department pursuant to this section.

Sec. 16. On or before November 1 of each year, the department shall submit a report to the Legislature in sufficient detail to document all costs incurred in the previous fiscal year in carrying out the Commercial Dog and Cat Operator Inspection Act. The report shall identify costs incurred by the department to administer the act and shall detail costs incurred by primary activity. The department shall also provide a breakdown by category of all revenue credited to the Commercial Dog and Cat Operator Inspection Program Cash Fund in the previous fiscal year. The Agriculture Committee and Appropriations Committee of the Legislature shall review the report to ascertain program activity levels and to determine funding requirements of the program.

2. On page 1, line 2, and page 24, line 22, strike

"54-627," and insert "54-625, 54-627, 54-633,".

3. On page 1, lines 11 and 12, strike "fee provisions for licensure under" and insert "provisions of".

4. On page 10, lines 13 and 14, strike the new matter; and in line 17 after "ordinances" insert ". Law enforcement officer also includes any inspector under the Commercial Dog and Cat Operator Inspection Act to the extent that such inspector may exercise the authority of a law enforcement officer under section 28-1012 while in the course of performing inspection activities under the Commercial Dog and Cat Operator Inspection Act".

5. Renumber the remaining sections and correct internal references accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 965A. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 965, Ninety-ninth Legislature, Second Session, 2006.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 968A. Placed on Select File.

(Signed) Michael Flood, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 347. Introduced by Price, 26.

PURPOSE: To study issues raised by LB 906, introduced in the Ninety-ninth Legislature, Second Session, 2006, which would require all Nebraska contractors to register with the Department of Labor and provide a surety bond in the amount of ten thousand dollars per project. The study shall include, but not be limited to, general contractors, subcontractors, licensed tradespersons, consumers, financial institutions, bonding companies, and the Department of Labor.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 348. Introduced by Flood, 19.

PURPOSE: The purpose of this resolution is to study the administrative license revocation process as administered by the Department of Motor Vehicles. The study shall address, but not be limited to, the following:

1. The effectiveness of administrative license revocations in reducing drunk drivers on Nebraska roadways;

2. Possible changes in the law to encourage peace officers to increase use of administrative license revocations; and

3. Concerns peace officers and county attorneys have regarding the administrative license revocation process.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 349. Introduced by Wehrbein, 2.

PURPOSE: The purpose of this study is to examine matters and issues related to the governance of municipal libraries, especially those in cities of the second class and villages. The study shall include, but not be limited to, the relationship between the library board and municipal governing body regarding liability, personnel, and finances.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 350. Introduced by Wehrbein, 2.

PURPOSE: The purpose of this study is to examine a possible requirement for significant purchasers of grain who are not required by law to be licensed or bonded to disclose that fact to grain sellers on scale tickets or contracts.

Over the past three years, the grain industry has engaged with private and public entities to explore whether the current scope of regulatory protection available to owners, depositors, and sellers of grain was adequate. The grain industry has been and continues to be concerned that transactions that are lawfully exempt from licensing and regulatory requirements could potentially lead sellers of grain to mistakenly believe that they are fully protected by current state regulation and bond coverage. For example, in 2005, more than fifty-five percent of first purchasers were exempt from Public Service Commission licensing and bonding authority. This study would examine the feasibility of requiring these purchasers to issue a statement to sellers that they are not required under Nebraska law to be licensed or bonded.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 351. Introduced by Wehrbein, 2.

PURPOSE: The purpose of this study is to examine the feasibility of transferring the operations of the Grain Warehouse Division of the Public Service Commission to the Budget, Finance and Personnel Division of the Department of Agriculture or another appropriate division for the administration of the Grain Warehouse Act and the Grain Dealer Act. The reasons for the study are as follows:

(1) The Grain Warehouse Division of the Public Service Commission (PSC) is charged with regulating the state-licensed grain warehouse and grain dealer laws. While the PSC conducted a series of hearings with producers, grain industry representatives, and other stakeholders over the last three years to review the grain laws and explore whether the current scope of regulatory protection available to owners, depositors, and sellers of grain is adequate, the PSC has admitted that staffing restrictions and budget considerations make it less likely that state-licensed warehouse inspections or grain dealer investigations can be conducted every nine months, or in a timely manner. The Nebraska grain warehouse industry and grain dealers have actively participated over the past two years in these hearings and supported a number of important and positive changes to the state grain laws in LB 735, Ninety-eighth Legislature, First Session, 2003, that offer substantially greater safeguards for producers and depositors at state-licensed warehouses;

(2) The Budget, Finance and Personnel Division of the Department of Agriculture is already charged with collecting, randomly monitoring, and auditing the mandatory commodity or ethanol check-off programs from all first purchasers of Nebraska grain. In addition to random check-off audits by

the Budget, Finance and Personnel Division, the Division of Weights and Measures, the Bureau of Plant Industry, and the Agriculture Laboratories Division of the Department of Agriculture also conduct annual inspections for and at state-licensed grain warehouses; and

(3) Administrators, lawmakers, and private industry representatives have continually encouraged a dialogue for making government more efficient by combining similar regulatory activities under the same agency, and to explore streamlining or better coordination of existing services provided by various state agencies such as agriculture and agribusiness through personnel cross-utilization.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 352. Introduced by Janssen, 15.

PURPOSE: To study issues relevant to the Nebraska Liquor Control Act, and to review matters concerning liquor licenses and whether additional license categories, such as a bed and breakfast category, are needed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 353. Introduced by Janssen, 15.

PURPOSE: To study the cemetery statutes, to evaluate the cemetery laws and identify those that need to be clarified or deleted, and to advise the General Affairs Committee of the study's findings.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 354. Introduced by Janssen, 15.

PURPOSE: To study the process of micro-distillation, to research statutes in other states that have passed or considered legislation relating to micro-distilleries, and to determine the necessity and feasibility of developing legislation concerning micro-distillation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 235. Indefinitely postponed.
LEGISLATIVE BILL 358. Indefinitely postponed.
LEGISLATIVE BILL 399. Indefinitely postponed.
LEGISLATIVE BILL 523. Indefinitely postponed.
LEGISLATIVE BILL 667. Indefinitely postponed.
LEGISLATIVE BILL 775. Indefinitely postponed.
LEGISLATIVE BILL 781. Indefinitely postponed.
LEGISLATIVE BILL 798. Indefinitely postponed.
LEGISLATIVE BILL 831. Indefinitely postponed.
LEGISLATIVE BILL 840. Indefinitely postponed.
LEGISLATIVE BILL 849. Indefinitely postponed.
LEGISLATIVE BILL 943. Indefinitely postponed.
LEGISLATIVE BILL 959. Indefinitely postponed.
LEGISLATIVE BILL 967. Indefinitely postponed.
LEGISLATIVE BILL 992. Indefinitely postponed.
LEGISLATIVE BILL 995. Indefinitely postponed.
LEGISLATIVE BILL 1042. Indefinitely postponed.
LEGISLATIVE BILL 1043. Indefinitely postponed.
LEGISLATIVE BILL 1046. Indefinitely postponed.
LEGISLATIVE BILL 1055. Indefinitely postponed.
LEGISLATIVE BILL 1089. Indefinitely postponed.
LEGISLATIVE BILL 1139. Indefinitely postponed.
LEGISLATIVE BILL 1201. Indefinitely postponed.
LEGISLATIVE BILL 1216. Indefinitely postponed.
LEGISLATIVE BILL 1221. Indefinitely postponed.
LEGISLATIVE BILL 1239. Indefinitely postponed.

LEGISLATIVE BILL 1251. Indefinitely postponed.

(Signed) David Landis, Chairperson

VISITORS

Visitors to the Chamber were 21 twelfth-grade students and teacher from Johnson-Brock High School, Johnson; 3 eleventh-grade students from Rising City; Dr. Rebecca and Shaylee Schroeder from Curtis; members and advisors of Youth Advisory Council from Gering, Mitchell, and Bayard; Senator Kopplin's wife and granddaughter, Mary Lou Kopplin and Amber Hughes, from Gretna; and members and advisors of Columbus Junior City Council from Columbus.

RECESS

At 11:56 a.m., on a motion by Speaker Brashear, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senator Dw. Pedersen who was excused; and Senators Baker, Brashear, Cornett, Heidemann, Hudkins, Landis, Louden, Preister, Stuhr, and Thompson who were excused until they arrive.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs
Room 1507

LR 309 Monday, April 3, 2006 12:45 p.m.

(Signed) DiAnna R. Schimek, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 355. Introduced by Aguilar, 35; Baker, 44; Bourne, 8; Kruse, 13; Preister, 5; Schimek, 27; Synowiecki, 7.

PURPOSE: To study the issue of unlicensed and uninsured drivers in this state and to examine the effect limited-use driving certificates would have with respect to this issue. The study shall include, but not be limited to:

(1) An examination of the fiscal impact of uninsured drivers on the insurance industry and on other insured drivers;

(2) A comparison of other state's laws that permit limited-use driving certificates or similar instruments as alternatives to drivers' licenses;

(3) An examination of the types of identification permitted with respect to the issuance of limited-use drivers certificates;

(4) An examination of the economic impact on individuals, including insurance premiums, who would be issued limited-use driving certificates;

(5) The proper amount of time a limited-use driving certificate should be valid;

(6) An examination of what limits should be placed on the activities for which a limited-use driving certificate can be considered valid; and

(7) An examination of the extent of the state's authority to issue limited-use driving certificates under federal law.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee and the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of the findings, together with any recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 356. Introduced by Bourne, 8.

PURPOSE: To study the School Employees Retirement Act and to determine the feasibility of amending the act to make participation in the School Employees' Retirement System voluntary. The study shall include, but not be limited to, an examination of other states' school employees retirement systems to determine how many states provide for compulsory participation and how many school employees in Nebraska, on average, participating in the School Employees' Retirement System, leave the system after five years or less of service.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 1075. Placed on General File.

LEGISLATIVE BILL 1009. Placed on General File as amended.

Standing Committee amendment to LB 1009:
AM2879

1. Strike the original sections and insert the following new sections:

Section 1. Section 29-4101, Revised Statutes Cumulative Supplement, 2004, is amended to read:

29-4101 Sections 29-4101 to 29-4115 and section 4 of this act shall be known and may be cited as the DNA Detection of Sexual and Violent Offenders Act.

Sec. 2. Section 29-4102, Revised Statutes Cumulative Supplement, 2004, is amended to read:

29-4102 The Legislature finds that DNA data banks are an important tool in criminal investigations, in the exclusion of individuals who are the subject of criminal investigations or prosecutions, ~~and~~ in deterring and detecting recidivist acts, and in locating and identifying missing persons and human remains. Several states have enacted laws requiring persons convicted of certain crimes, especially sex offenses, to provide genetic samples for DNA typing tests. Moreover, it is the policy of this state to assist federal, state, and local criminal justice and law enforcement agencies in the identification and detection of individuals in criminal investigations and in locating and identifying missing persons and human remains. It is in the best interest of this state to establish a State DNA Data Base for DNA records and a State DNA Sample Bank as a repository for DNA samples from individuals convicted of felony sex offenses and other specified offenses.

Sec. 3. Section 29-4104, Revised Statutes Cumulative Supplement, 2004, is amended to read:

29-4104 The State DNA Data Base is established. The Nebraska State Patrol shall administer the State DNA Data Base and shall provide DNA records to the Federal Bureau of Investigation for storage and maintenance in the Combined DNA Index System. The patrol shall provide for liaison with the Federal Bureau of Investigation and other law enforcement agencies in regard to the state's participation in the Combined DNA Index System. The State DNA Data Base shall store and maintain DNA records related to:

(1) Forensic casework;

(2) Convicted offenders required to provide a DNA sample under the DNA Detection of Sexual and Violent Offenders Act; ~~and~~

(3) Anonymous DNA records used for research or quality control; and

(4) Missing persons, relatives of missing persons, and unidentified human remains.

Sec. 4. A person required to submit a DNA sample pursuant to section 29-4106 shall be given the choice of having the sample collected by a blood draw or a buccal cell collection kit. Any person who collects a DNA sample pursuant to section 29-4106 shall honor the choice of collection method made by the person providing

the DNA sample. If the person required to submit the DNA sample does not indicate a preference as to the method of collection, either method may be used to collect the sample.

Sec. 5. Section 29-4106, Revised Statutes Cumulative Supplement, 2004, is amended to read:

29-4106 (1) A person who is convicted of a felony sex offense or other specified offense on or after September 13, 1997, shall have a DNA sample ~~drawn~~ collected

(a) Upon intake to a prison, jail, or other detention facility or institution to which such person is sentenced. If the person is already confined at the time of sentencing, the person shall have a DNA sample ~~drawn~~ collected immediately after the sentencing. Such DNA samples shall be ~~drawn~~ collected at the place of incarceration or confinement. Such person shall not be released unless and until a DNA sample has been ~~drawn~~ collected; or

(b) As a condition for any sentence which will not involve an intake into a prison, jail, or other detention facility or institution. Such DNA samples shall be ~~drawn~~ collected at a detention facility or institution as specified by the court. Such person shall not be released unless and until a DNA sample has been ~~drawn~~ collected.

(2) A person who has been convicted of a felony sex offense or other specified offense before September 13, 1997, and who is still serving a term of confinement for such offense on September 13, 1997, shall not be released prior to the expiration of his or her maximum term of confinement unless and until a DNA sample has been ~~drawn~~ collected.

Sec. 6. Section 29-4107, Revised Statutes Cumulative Supplement, 2004, is amended to read:

29-4107 (1) Only individuals (a) who are physicians or registered nurses, (b) who are trained to withdraw human blood for scientific or medical purposes and are obtaining blood specimens while working under orders of or protocols and procedures approved by a physician, registered nurse, or other independent health care practitioner licensed to practice by the state if the scope of practice of that practitioner permits the practitioner to obtain blood specimens, or (c) who are both employed by a licensed institution or facility and have been trained to withdraw human blood for scientific or medical purposes shall draw a DNA blood sample under the DNA Detection of Sexual and Violent Offenders Act. Withdrawal of blood shall be performed in a medically approved manner using a collection kit provided or accepted by the Nebraska State Patrol. The collection of buccal samples shall be performed by any person approved or designated by the Nebraska State Patrol and using a collection kit provided or accepted by the Nebraska State Patrol. In addition to the DNA sample, one thumb print or fingerprint shall be taken from the person from whom the DNA sample is being ~~drawn~~ collected for the exclusive purpose of verifying the identity of such person. The DNA sample and the thumb print or

fingerprint shall be delivered to the Nebraska State Patrol within five working days after ~~drawing~~ collecting the sample.

(2) A person authorized to ~~draw~~ collect DNA samples under this section is not criminally liable for ~~drawing~~ collecting a DNA sample and transmitting DNA records pursuant to the act if he or she performs these activities in good faith and is not civilly liable for such activities if he or she performed such activities in a reasonable manner according to generally accepted medical ~~and other professional practices~~ standards for blood samples or in accordance with the collection kit and procedures approved by the Nebraska State Patrol for tissue samples.

Sec. 7. Original sections 29-4101, 29-4102, 29-4104, 29-4106, and 29-4107, Revised Statutes Cumulative Supplement, 2004, are repealed.

LEGISLATIVE BILL 1047. Placed on General File as amended.
Standing Committee amendment to LB 1047:
AM2880

1. Strike the original sections and insert the following new sections:

Section 1. Section 28-311.02, Revised Statutes Cumulative Supplement, 2004, is amended to read:

28-311.02 (1) It is the intent of the Legislature to enact laws dealing with stalking offenses which will protect victims from being willfully harassed, intentionally terrified, threatened, or intimidated by individuals who intentionally follow, detain, stalk, or harass them or impose any restraint on their personal liberty and which will not prohibit constitutionally protected activities.

(2) For purposes of sections 28-311.02 to 28-311.05, 28-311.09, and 28-311.10:

(a) Harass means to engage in a knowing and willful course of conduct directed at a specific person which seriously terrifies, threatens, or intimidates the person and which serves no legitimate purpose; ~~and~~

(b) Course of conduct means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including a series of acts of following, detaining, restraining the personal liberty of, or stalking the person or telephoning, contacting, or otherwise communicating with the person;

(c) Family or household member means a spouse or former spouse of the victim, children of the victim, a person presently residing with the victim or who has resided with the victim in the past, a person who had a child in common with the victim, other persons related to the victim by consanguinity or affinity, or any person presently involved in a dating relationship with the victim or who has been involved in a dating relationship with the victim. For purposes of this subdivision, dating relationship

means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement but does not include a casual relationship or an ordinary association between persons in a business or social context; and

(d) Substantially conforming criminal violation means a guilty plea, a nolo contendere plea, or a conviction for a violation of any federal law or law of another state or any county, city, or town ordinance of this state or another state substantially similar to section 28-311.03. Substantially conforming is a question of law to be determined by the court.

Sec. 2. Section 28-311.03, Revised Statutes Cumulative Supplement, 2004, is amended to read:

28-311.03 Any person who willfully harasses another person or a family or household member of such person with the intent to injure, terrify, threaten, or intimidate commits the offense of stalking.

Sec. 3. Section 28-311.04, Reissue Revised Statutes of Nebraska, is amended to read:

28-311.04 ~~Any~~ (1) Except as provided in subsection (2) of this section, any person convicted of violating section 28-311.03 ~~shall be~~ is guilty of a Class I misdemeanor.

(2) Any ~~, except that any~~ person convicted of violating ~~such~~ section 28-311.03 is guilty of a Class IV felony if:

(a) The person ~~who~~ has a prior conviction under such section or a substantially conforming criminal violation within the last seven years; ~~for acts committed against the same victim shall be guilty of a Class IV felony.~~

(b) The victim is under sixteen years of age;

(c) The person possessed a deadly weapon at any time during the violation;

(d) The person was also in violation of section 28-311.09, 42-924, or 42-925 at any time during the violation; or

(e) The person has been convicted of any felony in this state or has been convicted of a crime in another jurisdiction which, if committed in this state, would constitute a felony and the victim or a family or household member of the victim was also the victim of such previous felony.

Sec. 4. Original section 28-311.04, Reissue Revised Statutes of Nebraska, and sections 28-311.02 and 28-311.03, Revised Statutes Cumulative Supplement, 2004, are repealed.

LEGISLATIVE BILL 1070. Placed on General File as amended.
Standing Committee amendment to LB 1070:
AM2881

1. Strike the original sections and insert the following new sections:

Section 1. Section 28-728, Revised Statutes Cumulative Supplement, 2004, is amended to read:

28-728 (1) The Legislature finds that child abuse

and neglect are community problems requiring a cooperative complementary response by law enforcement, child advocacy centers, prosecutors, the Department of Health and Human Services~~,~~ child protective services division, and other agencies or entities designed to protect children. It is the intent of the Legislature to create a child abuse and neglect investigation team in each county or contiguous group of counties and to create a child abuse and neglect treatment team in each county or contiguous group of counties.

(2) Each county or contiguous group of counties will be assigned by the Department of Health and Human Services to a child advocacy center. The purpose of a child advocacy center is to provide a child-focused response to support the physical, emotional, and psychological needs of children who are victims of abuse or neglect. Each child advocacy center shall meet accreditation criteria set forth by the National Children's Alliance. Nothing in this section shall prevent a child from receiving treatment or other services at any accredited child advocacy center.

~~(2) The child abuse and neglect investigation team shall develop~~ (3) Each county attorney or the county attorney representing a contiguous group of counties is responsible for convening the child abuse and neglect investigation team and ensuring that protocols are established and implemented. A representative of the child advocacy center assigned to the team shall assist the county attorney in facilitating case review, developing and updating protocols, and arranging training opportunities for the team. Each team must have protocols which, at a minimum, shall include procedures for:

(a) Conducting joint investigations of child abuse and other child abuse and neglect matters which the team deems necessary;

(b) Ensuring that a law enforcement agency will participate in the investigation;

(c) Conducting joint investigations of other child abuse and neglect matters which the team deems necessary;

(d) Arranging for a videotaped forensic interview at a child advocacy center for children sixteen years of age or younger who are alleging sexual abuse or serious physical abuse or neglect or who have witnessed a violent crime, been removed from a clandestine drug lab, or recovered from a kidnapping;

(e) Reducing the risk of harm to child abuse and neglect victims;

~~(e)~~ (f) Ensuring that the child is in safe surroundings, including removing the perpetrator when necessary;

~~(f)~~ (g) Sharing of case information; ~~and~~

~~(g)~~ (h) How and when the team will meet; and ~~.~~

(i) Responding to drug endangered children.

~~(3) The child abuse and neglect treatment team~~

~~shall develop~~ (4) Each county attorney or the county attorney representing a contiguous group of counties is responsible for convening the child abuse and neglect treatment team and ensuring that protocols are established and implemented. A representative of the child advocacy center appointed to the team shall assist the county attorney in facilitating case review, developing and updating protocols, and arranging training opportunities for the team. Each team must have protocols which, at a minimum, shall include procedures for:

(a) Case coordination and assistance, including the location of services available within the area;

(b) Case staffings and the coordination, development, implementation, and monitoring of treatment plans;

(c) Reducing the risk of harm to child abuse and neglect victims;

(d) Assisting those child abuse and neglect victims who are abused and neglected by perpetrators who do not reside in their homes; ~~and~~

(e) How and when the team will meet; and ~~.~~

~~(4) The child abuse and neglect teams may develop protocols which include procedures for working~~ (f) Working with multiproblem delinquent youth.

Sec. 2. Section 28-729, Revised Statutes Cumulative Supplement, 2004, is amended to read:

28-729 (1) A child abuse and neglect investigation team shall include a representative from the county attorney's office, a child protective services representative from the Department of Health and Human Services, a representative from each law enforcement agency which has jurisdiction within the county or contiguous group of counties, a representative from the child advocacy center, and representatives from such other agencies as determined by the team.

(2) A child abuse and neglect treatment team shall include a child protective services representative from the Department of Health and Human Services, a juvenile probation officer, a representative from the mental health profession or medical profession actively practicing within the county or contiguous group of counties, a representative from each school district which provides services within the county or contiguous group of counties, a representative from the child advocacy center, and representatives from such other agencies as determined by the team. For purposes of this subsection, more than one school district may be represented by the same individual.

(3) The teams established pursuant to this section and section 28-728 shall be encouraged to expand their membership to include the various relevant disciplines which exist within the county or contiguous group of counties. The additional members shall have the requisite experience necessary as determined by the core members of the teams. Consistent with requirements set out by

the teams, all members of both teams shall attend child abuse and neglect training on an annual basis. Such training shall be no less than eight hours annually and consist of the following components:

(a) Child abuse and neglect investigation procedures as provided by law enforcement standards;

(b) Legal requirements and procedures for successful prosecution of child abuse and neglect cases;

(c) Roles and responsibilities of child protective services, law enforcement agencies, county attorneys, the Attorney General, and judges;

(d) Characteristics of child development and family dynamics;

(e) Recognition of various types of abuse and neglect;

(f) Duty of public and private individuals and agencies, including schools, governmental agencies, physicians, and child advocates, to report suspected or known child abuse;

(g) Multidisciplinary approaches to providing services to children; and

(h) Weaknesses in the current child protection system.

(4) The representative of the county attorney shall ~~establish each of the teams and~~ report the name and address of each team member to the Nebraska Commission on Law Enforcement and Criminal Justice. If more than one county is part of a team, the representative of the participating county attorneys shall jointly and cooperatively ~~establish the respective teams and~~ report their results to the commission.

(5) Each team shall meet at a location agreed to by the team. The number of meetings of the team shall be secondary to the caseload of the team, but each team shall meet at least quarterly. ~~Each team~~ The representative from the child advocacy center assigned to the team shall annually report to the commission the number of times the team met within a calendar year and any changes in team membership. Each team shall select a chairperson annually in the first quarter of each calendar year. Each team may substitute a telephone conference call among team members in lieu of meeting in person. If a team fails to convene, the commission shall notify the Child Protection Division of the office of the Attorney General and the division shall appoint the team members or convene the team pursuant to sections 28-728 to 28-730. Nothing in this section shall relieve the county attorney from ensuring that the teams meet as required by this section.

Sec. 3. Section 28-730, Revised Statutes Cumulative Supplement, 2004, is amended to read:

28-730 (1) Notwithstanding any other provision of law regarding the confidentiality of records and when not prohibited by the federal Privacy Act of 1974, as amended, juvenile court records and any other pertinent information that may be in the possession of school districts, law enforcement agencies, county attorneys, the Attorney General, the Department of Health and Human Services,

child advocacy centers, and other team members concerning a child whose case is being investigated or discussed by a child abuse and neglect investigation team or a child abuse and neglect treatment team shall be shared with the respective team members as part of the discussion and coordination of efforts for investigative or treatment purposes. Upon request by a team, any individual or agency with information or records concerning a particular child shall share all relevant information or records with the team as determined by the team pursuant to the appropriate team protocol. Only a team which has accepted the child's case for investigation or treatment shall be entitled to access to such information.

(2) All information acquired by a team member or other individuals pursuant to protocols developed by the team shall be confidential and shall not be disclosed except to the extent necessary to perform case consultations, to carry out a treatment plan or recommendations, or for use in a legal proceeding instituted by a county attorney or the Child Protection Division of the office of the Attorney General. Information, documents, or records otherwise available from the original sources shall not be immune from discovery or use in any civil or criminal action merely because the information, documents, or records were presented during a case consultation if the testimony sought is otherwise permissible and discoverable. Any person who presented information before the team or who is a team member shall not be prevented from testifying as to matters within the person's knowledge.

(3) Each team may review any case arising under the Nebraska Criminal Code when a child is a victim or any case arising under the Nebraska Juvenile Code. A member of a team who participates in good faith in team discussion or any person who in good faith cooperates with a team by providing information or records about a child whose case has been accepted for investigation or treatment by a team shall be immune from any civil or criminal liability. The provisions of this subsection or any other section granting or allowing the grant of immunity from liability shall not be extended to any person alleged to have committed an act of child abuse or neglect.

(4) A member of a team who publicly discloses information regarding a case consultation in a manner not consistent with sections 28-728 to 28-730 shall be guilty of a Class III misdemeanor.

Sec. 4. Section 43-3001, Reissue Revised Statutes of Nebraska, is amended to read:

43-3001 (1) Notwithstanding any other provision of law regarding the confidentiality of records and when not prohibited by the federal Privacy Act of 1974, as amended, juvenile court records and any other pertinent information that may be in the possession of school districts, county attorneys, the Attorney General, law enforcement agencies, child advocacy centers, state probation personnel, state parole personnel, youth detention facilities,

medical personnel, treatment or placement programs, the Department of Health and Human Services, the Department of Correctional Services, the State Foster Care Review Board, child abuse and neglect investigation teams, child abuse and neglect treatment teams, or other multidisciplinary teams for abuse, neglect, or delinquency concerning a child who is in the custody of the state may be shared with individuals and agencies who have been identified in a court order authorized by this section.

(2) In any judicial proceeding concerning a child who is currently, or who may become at the conclusion of the proceeding, a ward of the court or state or under the supervision of the court, an order may be issued which identifies individuals and agencies who shall be allowed to receive otherwise confidential information concerning the ~~juvenile~~ child for legitimate and official purposes. The individuals and agencies who may be identified in the court order are the child's attorney or guardian ad litem, the parents' attorney, foster parents, appropriate school personnel, county attorneys, the Attorney General, authorized court personnel, law enforcement agencies, state probation personnel, state parole personnel, youth detention facilities, medical personnel, treatment or placement programs, the Department of Health and Human Services, the Office of Juvenile Services, the Department of Correctional Services, the State Foster Care Review Board, child abuse and neglect investigation teams, child abuse and neglect treatment teams, and other multidisciplinary teams for abuse, neglect, or delinquency. Unless the order otherwise states, the order shall be effective until the child leaves the custody of the state or until a new order is issued.

(3) All information acquired by an individual or agency pursuant to this section shall be confidential and shall not be disclosed except to other persons who have a legitimate and official interest in the information and are identified in the court order issued pursuant to this section with respect to the child in question. A person who receives such information or who cooperates in good faith with other individuals and agencies identified in the appropriate court order by providing information or records about a child shall be immune from any civil or criminal liability. The provisions of this section granting immunity from liability shall not be extended to any person alleged to have committed an act of child abuse or neglect.

(4) Any person who publicly discloses information received pursuant to this section shall be guilty of a Class III misdemeanor.

Sec. 5. Original section 43-3001, Reissue Revised Statutes of Nebraska, and sections 28-728, 28-729, and 28-730, Revised Statutes Cumulative Supplement, 2004, are repealed.

LEGISLATIVE BILL 1113. Placed on General File as amended. (Standing Committee amendment, AM2785, is printed separately and

available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 1146. Placed on General File as amended.
Standing Committee amendment to LB 1146:
AM2175

1. Strike section 1 and insert the following new section:

Section 1. Section 29-4126, Revised Statutes Supplement, 2005, is amended to read:

29-4126 Notwithstanding any other provision of law:

(1) No DNA sample shall be obtained from any person for any law enforcement purpose in connection with an investigation of a crime without probable cause, a court order, or voluntary consent as described in subdivision (2) of this section;

(2) In the absence of probable cause, if any person is requested by a law enforcement person or agency to consent to the taking of a DNA sample in connection with a law enforcement investigation of a particular crime, such consent shall be deemed voluntary only if:

(a) The sample is knowingly and voluntarily given in connection with the investigation of a particular crime;

(b) The person was informed by a written advisory prepared by the law enforcement agency that the request may be refused and that such refusal does not provide probable cause or reasonable suspicion to believe that the person has committed a crime, and the person signs the advisory; and

(c) No threat, pressure, duress, or coercion of any kind was employed, whether (i) direct or indirect, (ii) express or implied, or (iii) physical or psychological;

(3) Any DNA sample obtained in violation of this section is not admissible in any proceeding for any purpose whatsoever;

(4) A person shall be notified in writing by the law enforcement agency immediately upon the determination that he or she has not been implicated by his or her DNA sample in the commission of the particular crime in connection with which the DNA sample was obtained;

(5) ~~Such~~ Except as authorized in subdivision (7) of this section, such sample and all identifying information pertaining to the person shall be delivered to the person within ten days after the notification required by subdivision (4) of this section with a written explanation that the materials are being turned over in compliance with this section;

(6) ~~The~~ Except as authorized in subdivision (7) of this section, the law enforcement agency shall purge all records and identifiable information pertaining to the person specified in subdivisions (4) and (5) of this section;

(7) An accredited laboratory authorized to perform DNA testing under section 29-4105 shall be allowed to maintain the minimum records and supporting documentation of DNA tests that it has performed as needed for the sole purpose of complying with

the laboratory accreditation standards as set forth by a national accrediting body or public agency;

(8) No record authorized for retention under subdivision (7) of this section shall be transferred, shared, or otherwise provided to any national, state, county, or local law enforcement agency unless such person has been implicated in the case by his or her DNA sample;

~~(7)~~ (9) Any aggrieved person may file an action in district court against any person, including any law enforcement agency, to enjoin such person or law enforcement agency from violating this section; and

~~(8)~~ (10) Any person aggrieved by a knowing violation of this section may bring an action in district court for damages. A person found by the court to be aggrieved by a violation of this section shall receive damages of not less than one thousand dollars and may recover reasonable costs and attorney's fees.

For purposes of this section, DNA means deoxyribonucleic acid.

LEGISLATIVE BILL 1149. Placed on General File as amended.
Standing Committee amendment to LB 1149:
AM2852

1. Strike the original sections and insert the following new sections:

Section 1. (1) The purpose of sections 1 to 12 of this act is to protect foreign national minors or minors holding dual citizenship within the State of Nebraska.

(2) The Legislature recognizes that:

(a) Foreign national minors and minors holding dual citizenship are essential to the maintenance of their culture, traditions, and values;

(b) The governments of foreign countries have a duty to care for the interests of their nationals and citizens abroad, particularly foreign national minors and minors holding dual citizenship;

(c) The governments of foreign countries have the right to information and access in all cases involving minors who are children of foreign nationals and minors holding dual citizenship; and

(d) The state should be able to identify foreign national minors and minors holding dual citizenship and their families in order to provide services for them.

Sec. 2. For purposes of sections 1 to 12 of this act:

(1) Agency means the agency in a foreign country charged with ensuring the welfare of minors who are nationals of that country or who hold dual citizenship in that country and the United States;

(2) Custodian means the nonparental caretaker of a foreign national minor or minor holding dual citizenship who

has been entrusted by the parent of the minor with the day-to-day care of the minor;

(3) Department means the Department of Health and Human Services;

(4) Foreign national minor means an unmarried person who is under the age of eighteen years and was born in a country other than the United States; and

(5) Minor holding dual citizenship means an unmarried person who is under the age of eighteen years and who holds citizenship simultaneously in the United States and one other country.

Sec. 3. The department, in conjunction with the appropriate consulate, shall provide a method of early identification of foreign national minors and minors holding dual citizenship and their families in order to provide services which assure all the protections afforded by all applicable treaties and laws.

Sec. 4. (1) When a court makes a minor a ward of the department, the department shall determine whether the minor is a foreign national minor or a minor holding dual citizenship. If such minor is a foreign national minor or a minor holding dual citizenship, the department shall provide such minor and his or her parent or custodian with the following information:

(a) Written information in English and the minor's native language, explaining the juvenile court process and the rights of the minor and his or her parents or custodian; and

(b) The address and telephone number of the nearest consulate serving the minor.

(2) The department shall notify the appropriate consulate in writing within ten working days after (a) the initial date the department takes custody of a foreign national minor or a minor holding dual citizenship or the date the department learns that a minor in its custody is a foreign national minor or a minor holding dual citizenship, whichever occurs first, (b) the parent of a foreign national minor or a minor holding dual citizenship has requested that the consulate be notified, or (c) the department determines that a noncustodial parent of a foreign national minor or a minor holding dual citizenship in its custody resides in the country represented by the consulate.

(3) The department shall provide the consulate with the name and date of birth of the foreign national minor or the minor holding dual citizenship, the name of his or her parent or custodian, and the name and telephone number of the departmental caseworker directly responsible for the case.

(4) If the consulate needs additional specific information regarding the case of the foreign national minor or the minor holding dual citizenship, the consulate may contact the department and the department may release any information not required to be kept confidential under the Nebraska Juvenile Code

or other state or federal statutes.

Sec. 5. A consular representative may interview a foreign national minor or minor holding dual citizenship who is a citizen of the country represented by the consulate. The consular representative shall contact the department to arrange for an interview of a foreign national minor or a minor holding dual citizenship.

Sec. 6. If a court makes a foreign national minor or a minor holding dual citizenship a ward of the department and the minor has become eligible for special immigrant juvenile status as defined in 8 U.S.C. 1101(a)(27)(J), the consulate will assist the department in obtaining the necessary documentation for completion of the application for special immigrant juvenile status.

Sec. 7. The department may obtain a birth certificate from the appropriate country for a foreign national minor or a minor holding dual citizenship in the custody of the department. The department may request the assistance of the consulate in obtaining the necessary documentation to complete the application for a birth certificate under this section.

Sec. 8. (1) Upon notification to a consulate pursuant to section 4 of this act, the department shall request that the consulate obtain through the agency the appropriate home studies of potential families in such country who may be involved in the case and forward the information to the departmental caseworker directly responsible for the case.

(2) When a foreign national minor is placed in his or her country or a minor holding dual citizenship is placed in the country other than the United States in which he or she holds citizenship, the department shall take all steps necessary to obtain the cooperation of the consulate and the agency to ensure the minor's welfare and provide whatever services are needed. The department shall request copies of the monitoring reports prepared by the agency concerning the welfare of the minor.

Sec. 9. The department will request the cooperation of the appropriate consulate in order to notify a person who resides in a foreign country and is required to appear in a court in this state regarding the case of a foreign national minor or a minor holding dual citizenship.

Sec. 10. The Director of Health and Human Services or his or her designee shall meet as necessary with consular officials to discuss, clarify, and coordinate activities, ideas and concerns of a high-profile nature, timely media attention, and joint prevention efforts regarding the protection and well-being of foreign national minors and minors holding dual citizenship and families.

Sec. 11. The department may adopt and promulgate rules and regulations to carry out sections 1 to 10 of this act.

Sec. 12. Nothing in sections 1 to 11 of this act shall be construed as a waiver of immunities to which a consulate and its consular agents are entitled under international law, the

Foreign Sovereign Immunities Act of 1976, 28 U.S.C. 1602 et seq., and international treaties in force between the United States and foreign countries.

LEGISLATIVE BILL 1181. Placed on General File as amended.
Standing Committee amendment to LB 1181:
AM2902

1. Insert the following new section:

Sec. 2. Section 43-271, Reissue Revised Statutes of Nebraska, is amended to read:

43-271 (1)(a) A juvenile taken into custody pursuant to sections 43-248, 43-250, and 43-253 shall be brought before the court for adjudication as soon as possible after the petition is filed. On the return of the summons or other process, or mailing of the notice in lieu of summons, or as soon thereafter as legally may be, the court shall proceed to hear and dispose of the case as provided in section 43-279.

(b) The hearing as to a juvenile in custody of the probation officer or the court shall be held as soon as possible but, in all cases, within a six-month period after the petition is filed, and as to a juvenile not in such custody as soon as practicable but, in all cases, within a six-month period after the petition is filed. The computation of the six-month period provided for in this section shall be made as provided in section 29-1207, as applicable.

(2) Any juvenile taken into custody pursuant to sections 43-248, 43-250, and 43-253 may request a detention review hearing. The detention review hearing shall be conducted within forty-eight hours after the request.

2. Correct the repealer and renumber the remaining sections accordingly.

(Signed) Patrick J. Bourne, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1199. Title read. Considered.

The Standing Committee amendment, AM2715, printed separately and referred to on page 1067, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1199A. Title read. Considered.

Advanced to E & R for review with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 962, 962A, 1069, and 1069A.

(Signed) Michael Flood, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 357. Introduced by Janssen, 15.

PURPOSE: To study construction and safety standards and enforcement regulations related to modular housing. The study shall include research on both the state and federal levels.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 358. Introduced by Cudaback, 36; Johnson, 37.

WHEREAS, Taryn Jackowiak will be awarded the Gold Award on May 7, 2006, by the Goldenrod Council of the Girl Scouts of America; and

WHEREAS, The Gold Award is the highest award that a Girl Scout ages 14-17 can earn; and

WHEREAS, Taryn is a member of Troop 669 in Kearney, and is the first girl from Kearney since 1989 to receive the Gold Award; and

WHEREAS, The Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Taryn Jackowiak on receiving the Gold Award from the Goldenrod Council of the Girl Scouts of America.

2. That a copy of this resolution be sent to Taryn Jackowiak.

Laid over.

LEGISLATIVE RESOLUTION 359. Introduced by Cornett, 45.

PURPOSE: The purpose of this study is to examine whether there is merit to the creation of a process outside the scope of the current county board of equalization processes to address situations and concerns raised during the Revenue Committee's consideration of LB 1242 in 2006. In particular, the study shall consider whether individuals who have missed the county board of equalization deadlines due to an illness requiring hospitalization or due to deployment pursuant to a military order should be granted some relief. In addition, the study should examine the issues raised by changes to the homestead exemption program included in LB 1242 and amendments offered to the Revenue Committee to clarify these provisions.

In carrying out this study, there does not need to be a public hearing. However, there should be discussion between staff of the Revenue Committee, members of the Revenue Committee, the Department of Property Assessment and Taxation, the Tax Equalization and Review Commission, representatives of the Nebraska Association of County Officials, and representatives of Douglas, Sarpy, and Lancaster Counties. It is the intent that the study produce, in sufficient time before the convening of the One Hundredth Legislature, First Session, draft legislation for introduction during that session.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 360. Introduced by Cornett, 45.

PURPOSE: The purpose of this study is to examine the current sales tax structure relative to its impact on both self-serve and fully-automated car washes throughout the state. The study will examine the possibility of providing for an exemption from the sales tax. The study should seek to determine the amount collected by both the state and local political subdivisions and recommend a fee structure that will hold both parties harmless.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 965. Placed on Select File.

LEGISLATIVE BILL 1010. Placed on Select File as amended.
E & R amendment to LB 1010:
AM7197

1. On page 1, line 1, strike beginning with "section" in line 1 through line 4 and insert "sections 77-27,230, 77-27,231, 77-27,232, and 77-27,233, Revised Statutes Supplement, 2005; to permit a taxpayer to receive both a charitable deduction and a charitable endowment tax credit; to reduce the amount of the credit allowed; to provide an operative date; and to repeal the original sections.".

LEGISLATIVE BILL 1189. Placed on Select File as amended.
E & R amendment to LB 1189:
AM7199

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 77-2701, Revised Statutes Supplement, 2005, is amended to read:

77-2701 Sections 77-2701 to 77-27,135.01, 77-27,222, and 77-27,228 to 77-27,234 and section 3 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967.

Sec. 2. Section 77-2701.04, Revised Statutes Supplement, 2005, is amended to read:

77-2701.04 For purposes of sections 77-2701.04 to 77-2713 and section 3 of this act, unless the context otherwise requires, the definitions found in sections 77-2701.05 to 77-2701.47 shall be used.

Sec. 3. Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of purchases of fine art by any museum as defined in section 51-702.

Sec. 4. Section 77-2701.47, Revised Statutes Supplement, 2005, is amended to read:

77-2701.47 (1) Manufacturing machinery and equipment means any machinery or equipment purchased, leased, or rented by a person engaged in the business of manufacturing for use in manufacturing, including, but not limited to:

(a) Machinery or equipment for use in manufacturing to produce, fabricate, assemble, process, finish, refine, or package tangible personal property;

(b) Machinery or equipment for use in transporting, conveying, handling, or storing by the manufacturer the raw materials or components to be used in manufacturing or the products produced by the manufacturer;

(c) Molds and dies and the materials necessary to create molds and dies for use in manufacturing that determine the physical characteristics of the finished product or its packaging material, whether or not such molds or dies are permanent or temporary in nature, and including any chemicals, solutions, or catalysts utilized in the mold or die process even if such items are consumed during the course of the mold or die process;

(d) Machinery or equipment for use in manufacturing to maintain the integrity of the product or to maintain unique environmental conditions required for either the product or the machinery and equipment used in manufacturing by a manufacturer;

(e) Testing equipment for use in manufacturing to measure the quality of the finished product;

(f) Computers, software, and related peripheral equipment for use in manufacturing to guide, control, operate, or measure the manufacturing process;

(g) Machinery or equipment for use in manufacturing to produce steam, electricity, or chemical catalysts and solutions that are essential to the manufacturing process even if such produced items are consumed during the course of the manufacturing process or do not become necessary or integral parts of the finished product; and

(h) A repair or replacement part or accessory purchased for use in maintaining, repairing, or refurbishing machinery and equipment used in manufacturing.

(2) Manufacturing machinery and equipment does not include: Vehicles required to be registered for operation on the roads and highways of this state; hand tools; office equipment; and computers, software, and related peripheral equipment not used in guiding, controlling, operating, or measuring of the manufacturing process. Machinery or equipment does not need to come into direct physical contact with any of the raw materials, components, or products that are part of the manufacturing process to be considered manufacturing machinery or equipment.

Sec. 5. Section 77-2704.12, Revised Statutes Supplement, 2005, is amended to read:

77-2704.12 (1) Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of purchases by any organization created exclusively for religious purposes, any nonprofit organization providing services exclusively to the blind, any private educational institution established under sections 79-1601 to 79-1607, any private college or university established under sections 85-1101 to 85-1111, any hospital, health clinic when two or more hospitals or the parent corporations of the hospitals own or control the health clinic for the purpose of reducing the cost of health services or when the health clinic receives federal funds through the United States Public Health Service for the purpose of serving populations that are medically underserved,

skilled nursing facility, intermediate care facility, intermediate care facility for the mentally retarded, nursing facility, home health agency, hospice or hospice service, or respite care service licensed under the Health Care Facility Licensure Act and organized not for profit, any licensed child-caring agency, ~~or~~ any licensed child placement agency, or any nonprofit organization providing community-based services for persons with developmental disabilities.

(2) Any organization listed in subsection (1) of this section shall apply for an exemption on forms provided by the Tax Commissioner. The application shall be approved and a numbered certificate of exemption received by the applicant organization in order to be exempt from the sales and use tax.

(3) The appointment of purchasing agents shall be recognized for the purpose of altering the status of the construction contractor as the ultimate consumer of building materials which are physically annexed to the structure and which subsequently belong to the owner of the organization or institution. The appointment of purchasing agents shall be in writing and occur prior to having any building materials annexed to real estate in the construction, improvement, or repair. The contractor who has been appointed as a purchasing agent may apply for a refund of or use as a credit against a future use tax liability the tax paid on inventory items annexed to real estate in the construction, improvement, or repair of a project for a licensed not-for-profit institution.

(4) Any organization listed in subsection (1) of this section which enters into a contract of construction, improvement, or repair upon property annexed to real estate without first issuing a purchasing agent authorization to a contractor or repairperson prior to the building materials being annexed to real estate in the project may apply to the Tax Commissioner for a refund of any sales and use tax paid by the contractor or repairperson on the building materials physically annexed to real estate in the construction, improvement, or repair.

(5) Any person purchasing, storing, using, or otherwise consuming building materials in the performance of any construction, improvement, or repair by or for any institution enumerated in subsection (1) of this section which is licensed upon completion although not licensed at the time of construction or improvement, which building materials are annexed to real estate and which subsequently belong to the owner of the institution, shall pay any applicable sales or use tax thereon. Upon becoming licensed and receiving a numbered certificate of exemption, the institution organized not for profit shall be entitled to a refund of the amount of taxes so paid in the performance of such construction, improvement, or repair and shall submit whatever evidence is required by the Tax Commissioner sufficient to establish the total sales and use tax paid upon the building

materials physically annexed to real estate in the construction, improvement, or repair.

Sec. 6. Section 77-2704.15, Revised Statutes Cumulative Supplement, 2004, is amended to read:

77-2704.15 (1) Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of purchases by the state, including public educational institutions recognized or established under the provisions of Chapter 85, or by any county, township, city, village, rural or suburban fire protection district, city airport authority, county airport authority, joint airport authority, drainage district organized under sections 31-401 to 31-450, natural resources district, elected county fair board, housing agency as defined in section 71-1575 except for purchases for any commercial operation that does not exclusively benefit the residents of an affordable housing project, or joint entity or agency formed to fulfill the purposes described in the Integrated Solid Waste Management Act by any combination of two or more counties, townships, cities, or villages pursuant to the Interlocal Cooperation Act, the Integrated Solid Waste Management Act, or the Joint Public Agency Act, except for purchases for use in the business of furnishing gas, water, electricity, or heat, or by any irrigation or reclamation district, the irrigation division of any public power and irrigation district, or public schools established under Chapter 79.

(2) The appointment of purchasing agents shall be recognized for the purpose of altering the status of the construction contractor as the ultimate consumer of building materials which are physically annexed to the structure and which subsequently belong to the state or the governmental unit. The appointment of purchasing agents shall be in writing and occur prior to having any building materials annexed to real estate in the construction, improvement, or repair. The contractor who has been appointed as a purchasing agent may apply for a refund of or use as a credit against a future use tax liability the tax paid on inventory items annexed to real estate in the construction, improvement, or repair of a project for the state or a governmental unit.

(3) Any governmental unit listed in subsection (1) of this section, except the state, which enters into a contract of construction, improvement, or repair upon property annexed to real estate without first issuing a purchasing agent authorization to a contractor or repairperson prior to the building materials being annexed to real estate in the project may apply to the Tax Commissioner for a refund of any sales and use tax paid by the contractor or repairperson on the building materials physically annexed to real estate in the construction, improvement, or repair.

Sec. 7. This act becomes operative on October 1, 2006.

Sec. 8. Original section 77-2704.15, Revised Statutes

Cumulative Supplement, 2004, and sections 77-2701, 77-2701.04, 77-2701.47, and 77-2704.12, Revised Statutes Supplement, 2005, are repealed.

Sec. 9. The following section is outright repealed:
Section 5, Legislative Bill 968, Ninety-ninth Legislature, Second Session, 2006.

2. On page 1, strike lines 2 through 5 and insert "77-2704.15, Revised Statutes Cumulative Supplement, 2004, and sections 77-2701, 77-2701.04, 77-2701.47, and 77-2704.12, Revised Statutes Supplement, 2005; to provide, change, and eliminate sales and use tax exemptions relating to molds and dies and purchases by museums, housing agencies, and certain organizations serving persons with developmental disabilities as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 5, Legislative Bill 968, Ninety-ninth Legislature, Second Session, 2006.".

LEGISLATIVE BILL 1189A. Placed on Select File.

LEGISLATIVE BILL 956. Placed on Select File as amended.
(E & R amendment, AM7198, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Michael Flood, Chairperson

NOTICE OF COMMITTEE HEARING
Education
Room 1525

Monday, April 3, 2006 9:00 a.m.
Dennis W. Miller Jr. - Nebraska Educational Telecommunications Commission
Steven E. Titus - Nebraska Educational Telecommunications Commission

(Signed) Ron Raikes, Chairperson

SELECT COMMITTEE REPORT
Rules

The Rules Committee met on March 27, 2006, and held a public hearing on the proposed rules change found in the Journal on page 1034.

The Rules Committee has voted to advance the aforementioned proposal to the full Legislature for their consideration.

(Signed) Carol Hudkins, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 259CA. Read. Considered.

Senator Schrock withdrew his pending amendment, AM2403, found on page 759.

Senator Schrock renewed his pending amendment, AM2627, found on page 977.

SENATOR BAKER PRESIDING

SENATOR CUDABACK PRESIDING

Senator Schrock withdrew his amendment.

Advanced to E & R for review with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 361. Introduced by Preister, 5.

PURPOSE: To examine the programs administered by the Nebraska Department of Environmental Quality (NDEQ) which use agricultural inspectors to conduct inspections and respond to potential violations of state and federal environmental acts and regulations administered by NDEQ. The examination shall include, but is not limited to, an analysis of the costs related to training NDEQ's agriculture inspectors to collect water samples.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study conduct a hearing and make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 362. Introduced by Preister, 5.

PURPOSE: To study possible amendments to current statutory provisions which require the completion of a cost-benefit analysis before state agencies may enter into a contract for services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 363. Introduced by Preister, 5.

PURPOSE: The purpose of this interim study is to examine recycling of electronic waste and to draft legislation to establish a program in Nebraska regarding electronic waste.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study conduct a hearing and make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 364. Introduced by Preister, 5.

PURPOSE: The purpose of this interim study includes, but is not limited to, an examination of automobile insurance rates which are based on the occupation of the insurance applicant.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study conduct a hearing and make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 365. Introduced by Preister, 5.

PURPOSE: The purpose of this study is to examine renewable energy development in Nebraska as well as energy conservation and energy efficiency.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study conduct a hearing and make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 366. Introduced by Preister, 5.

PURPOSE: The purpose of this study includes, but is not limited to, an examination of uninsured motorists.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 367. Introduced by Preister, 5.

PURPOSE: The purpose of this study is to examine the Workplace Safety Consultation Program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 368. Introduced by Preister, 5.

PURPOSE: The purpose of this study is to develop legislation to encourage Nebraska businesses to use recyclable materials in their manufacturing processes. The study shall include, but is not limited to, an examination of:

(1) Economic development opportunities;

(2) Possible tax incentives;

(3) Establishment of in-state end markets for solid waste able to be disposed of in a landfill and reduction of landfill costs for political subdivisions; and

(4) Job creation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study conduct a hearing and make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 369. Introduced by Wehrbein, 2.

PURPOSE: The purpose of this study is to examine valuation and taxation of mineral interests for property tax purposes in Nebraska. For purposes of this study, mineral interests shall include oil, gas, rock, sand, and gravel interests. The study shall include, but not be limited to:

(1) Constitutional and statutory limitations on alternative methods of valuation or taxation of mineral interests;

(2) Valuation and taxation of these interests in other states;

(3) Alternative methods of taxation including, but not limited to, severance or extraction taxation; and

(4) Tax distribution alternatives.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 370. Introduced by Wehrbein, 2.

PURPOSE: The purpose of this study is to continue the study conducted pursuant to LR 105, Ninety-ninth Legislature, First Session, 2005, of rural economic development issues in Nebraska. This study shall continue to examine rural economic development programs available to Nebraska residents and recommend the most effective way to deliver these programs across the state. The study shall include, but not be limited to:

(1) An examination of the success of state-funded programs and any recommendations for changes to the programs which could include elimination, consolidation, or changes in funding levels;

(2) Producing a compilation of a history of rural economic development policy in Nebraska to be made available to incoming senators; and

(3) An examination of ways to collaborate with other states to receive federal funding.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the committee appointed in 2005 by the Executive Board of the Legislature pursuant to LR 105 be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 915. E & R amendment, AM7193, found in this day's Journal, was adopted.

Senator Beutler offered the following amendment:
AM2910

(Amendments to E & R amendments, AM7193)

1. On page 2, line 1, before "A" insert "A property owner with knowledge of a clandestine drug lab on his or her property shall report such knowledge and location as soon as practicable to the local law enforcement agency or to the Nebraska State Patrol."; in line 9 after "the" insert "appropriate"; in line 16 strike "and"; in line 17 after "county" insert ", and the property owner or owners"; and in line 25 after the period insert "Such procedures shall include deadlines for completion of the various stages of rehabilitation and proper disposal of the contaminated property.".

2. On page 3, line 12, after the period insert "An owner who knowingly violates this subsection may be subject to a civil penalty not to exceed one thousand dollars. The department shall enforce this subsection.".

The Beutler amendment was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 990. E & R amendment, AM7194, printed separately and referred to in this day's Journal, was adopted.

Senator Brown renewed her pending amendment, AM2772, found on page 1126.

Senator Chambers requested a division of the question on the Brown amendment.

The Chair sustained the division of the question.

The first Brown amendment is as follows:
FA637
Section 1. Sections 1 to 10 of this act shall be known and may be cited as the Nebraska Venture Capital Forum Act.
Sec. 2. The Legislature finds that:
(1) Sufficient venture capital resources exist within the State of Nebraska to meet substantial portions of the equity needs of new and high-growth business enterprises;
(2) Nebraska is a net exporter of venture capital;
(3) The venture capital needs of Nebraska business enterprises are not currently being met due to the lack of an organized approach to connecting investors with new and high-growth business enterprises;
(4) The best and primary role the State of Nebraska can play in creating an effective framework for venture capital markets is as a partner and facilitator with the private sector;
(5) Creation of a venture capital forum must be flexible and market driven;
(6) Potential venture capital investors in Nebraska need better information about their role in making equity investments and about investment opportunities in Nebraska's new and high-growth business enterprises; and
(7) Entrepreneurs and high-growth business enterprises need technical assistance in understanding equity markets and how to position themselves to receive equity funding.

Senator Brown withdrew her amendment, FA637.

Senator Brown withdrew the balance of her original amendment, AM2772.

Senator Kremer renewed the Kremer-Wehrbein pending amendment, AM2853, printed separately and referred to on page 1168.

The Kremer-Wehrbein amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 1006. Placed on General File as amended.
Standing Committee amendment to LB 1006:
AM2815
1. Strike the original sections and insert the following new sections:
Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval

or rejection:

To amend Article VII, sections 7, 8, and 9:

VII-7 The following are hereby declared to be perpetual funds for ~~common school purposes~~ educational purposes, including early childhood education, of which the annual interest or income only can be appropriated, to wit:

First. Such ~~per cent~~ percent as has been, or may hereafter be, granted by Congress on the sale of lands in this state.

Second. All money arising from the sale or leasing of sections number sixteen and thirty-six in each township in this state, and the lands selected, or that may be selected, in lieu thereof.

Third. The proceeds of all lands that have been, or may hereafter be, granted to this state, where by the terms and conditions of such grant the same are not to be otherwise appropriated.

Fourth. The net proceeds of lands and other property and effects that may come to this state, by escheat or forfeiture, or from unclaimed dividends, or distributive shares of the estates of deceased persons.

Fifth. All other property of any kind now belonging to the perpetual fund.

VII-8 All funds belonging to the state for educational purposes, the interest and income whereof only are to be used, shall be deemed trust funds. Such funds with the interest and income thereof are hereby solemnly pledged to the purposes for which they are granted and set apart and shall not be transferred to any other fund for other uses. The state shall supply any net aggregate losses thereof realized at the close of each calendar year that may in any manner accrue. Notwithstanding any other provisions in ~~the~~ this Constitution, such funds shall be invested as the Legislature may by statute provide. For purposes of this section, educational purposes includes early childhood education.

VII-9 (1) The following funds shall be exclusively used for the support and maintenance of the common schools in each school district in the state or for early childhood education as provided in subsection (3) of this section, as the Legislature shall provide:

~~a.~~ (a) Income arising from the perpetual funds;

~~b.~~ (b) The income from the unsold school lands, except that costs of administration shall be deducted from the income before it is so applied;

~~c.~~ (c) All other grants, gifts and devises that have been or may hereafter be made to the state which are not otherwise appropriated by the terms of the grant, gift or devise; and

~~d.~~ (d) Such other support as the Legislature may provide.

(2) No distribution or appropriation shall be made to any school district for the year in which school is not maintained for

the minimum term required by law.

(3)(a) An early childhood education endowment fund shall be created for the purpose of supporting early childhood education in this state as provided by the Legislature.

(b) An amount equal to forty million dollars or ten percent of the value of the funds belonging to the state for educational purposes described in Article VII, section 7, of this Constitution, whichever is greater, shall be allocated for the early childhood education endowment fund. The Legislature may also allocate additional funds from the funds belonging to the state for educational purposes described in Article VII, section 7, of this Constitution for the early childhood education endowment fund.

(c) Only interest or income on such early childhood education endowment fund may be appropriated for the exclusive purpose of supporting early childhood education in this state.

(d) For purposes of Article VII of this Constitution, early childhood education means programs promoting social, emotional, intellectual, language, physical, and aesthetic development and learning for children from birth to kindergarten-entrance age.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to permit use of funds dedicated to the schools for early childhood education.

For

Against.

LEGISLATIVE BILL 1256. Placed on General File as amended. (Standing Committee amendment, AM2927, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Ron Raikes, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 371. Introduced by Janssen, 15; Kremer, 34.

PURPOSE: To study winemaking in Nebraska, including issues relating to research and market development, promotion of the grape and wine industries, funding for such promotion, the duties of the Nebraska Grape and Winery Board, and any regulatory matters involving farm wineries.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs and Agriculture Committees of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 372. Introduced by McDonald, 41; Connealy, 16; Erdman, 47; Fischer, 43; Flood, 19; Louden, 49; Preister, 5; Stuthman, 22.

PURPOSE: Renewable energy provides a number of new and significant economic development opportunities for Nebraska's rural residents. Nebraska is uniquely positioned to be a leader in providing renewable energy. Nebraska's wind energy production potential is ranked sixth nationally. Solar energy generation potential is ranked ninth nationally. Nebraska has been among the leaders in developing biofuels, including ethanol, biodiesel, and biomass. Renewable energy development can provide additional income and economic opportunities for farmers and rural residents. This study shall examine policies and programs to maximize the public benefits of these new market opportunities and help Nebraska become competitive with other Midwestern states that are aggressively pursuing energy development.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 373. Introduced by Aguilar, 35.

PURPOSE: The purpose of this interim study is to determine the feasibility of implementing a court screening process statewide to determine eligibility for indigent defense. The committee, along with interested parties, should determine what the screening process would entail.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 374. Introduced by Aguilar, 35.

PURPOSE: The purpose of this interim study is to examine the current coroner system in which county attorneys are designated as county coroners. The committee should determine whether autopsies performed in Nebraska are adequately addressing prosecution and public health needs. The committee should also determine the feasibility, including cost, of creating a state coroner's office.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 1222. The Standing Committee amendment, AM2238, printed separately and referred to on page 687 and considered on page 1179, was renewed.

Senator Baker renewed his pending amendment, AM2745, found on page 1067 and considered on page 1179, to the Standing Committee amendment.

The Baker amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Senator Baker renewed his pending amendment, AM2775, found on page 1073, to the Standing Committee amendment.

The Baker amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Senator Fischer offered the following amendment to the Standing Committee amendment:

AM2916

(Amendments to Standing Committee amendments, AM2238)

1. Strike sections 1 to 14, 25, and 27 and insert the following new section:

Sec. 12. Original sections 86-442, 86-443, 86-456, 86-457, 86-459, 86-463, 86-465, and 86-466, Revised Statutes Cumulative Supplement, 2004, are repealed.

2. On page 8, lines 12 and 13, strike the new matter and insert "and sections 3, 4, and 11 of this act"; and in line 19 strike "17 and 18" and insert "3 and 4".

3. On page 15, strike beginning with "or" in line 6

through "residents" in line 7.
4. Renumber the remaining sections accordingly.

The Fischer amendment was adopted with 26 ayes, 6 nays, 14 present and not voting, and 3 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 375. Introduced by Schimek, 27.

PURPOSE: The purpose of this study is to examine the state's employee health insurance program. For years, the state has provided free health insurance to state employees who are married to each other because it saved the state money. In 2006, LB 973 was introduced to prohibit the state from contributing the total cost of a health insurance plan for two employees who are married to each other unless certain conditions were met.

During the public hearing on LB 973, additional concerns regarding the inequity of the employee health insurance plan were raised, including the issue of the state contributing a different dollar amount for employees depending on which health care plan they select. The issues addressed by this interim study shall include, but are not limited to:

1. Identifying the inequities of the current employee health insurance program;

2. Studying other states' employee health insurance plans;

3. Identifying possible solutions to any inequities;

4. Determining how the collective bargaining process can be utilized to address any inequities; and

5. Exploring what role, if any, the Legislature should take in addressing employee health insurance benefits.

Representatives from the Department of Administrative Services, the state employees' union, and other interested parties shall be invited to participate in this study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT - Print in Journal

Senator Cunningham filed the following amendment to LB 489:
AM2885

1. Insert the following sections:

Section 1. Section 48-120, Revised Statutes Supplement, 2005, is amended to read:

48-120 ~~(1)~~ (1)(a) The employer is liable for all reasonable medical, surgical, and hospital services, including plastic surgery or reconstructive surgery but not cosmetic surgery when the injury has caused disfigurement, appliances, supplies, prosthetic devices, and medicines as and when needed, which are required by the nature of the injury and which will relieve pain or promote and hasten the employee's restoration to health and employment, and includes damage to or destruction of artificial members, dental appliances, teeth, hearing aids, and eyeglasses, but, in the case of dental appliances, hearing aids, or eyeglasses, only if such damage or destruction resulted from an accident which also caused personal injury entitling the employee to compensation therefor for disability or treatment, subject to the approval of and regulation by the Nebraska Workers' Compensation Court. ~~, not to exceed the regular charge made for such service in similar cases.~~

(b) The compensation court may establish schedules of ~~maximum~~ fees for ~~such~~ medical, surgical, and hospital services. Except as provided in subdivision (1)(c) of this section, the allowable fee for any such service shall be the fee established by the compensation court or the provider's actual charge, whichever is lower. If the compensation court establishes such a schedule, it shall publish and furnish such schedule to the public. The compensation court shall review such schedule at least biennially and adopt appropriate changes when necessary. The compensation court may contract with any person, firm, corporation, organization, or government agency to secure adequate data to establish such fees. The provider or supplier of such services shall not collect or attempt to collect from any employer, insurer, government, or injured employee or dependent or the estate of any injured or deceased employee any amount in excess of the ~~maximum~~ allowable fee ~~established by the compensation court~~ for any such service pursuant to this subsection. The compensation court ~~shall~~ may establish and charge a fee to recover the cost of ~~published~~ publishing fee schedules. Notwithstanding any other provision of this section, the compensation court may exclude from the application of such schedules those services performed under a managed care plan certified pursuant to section 48-120.02.

(c) A workers' compensation insurer, risk management pool, self-insured employer, or certified managed care plan may negotiate a contract or agreement for fees for medical, surgical, or hospital services that are greater than or less than the fees

established by the compensation court. The fees established under such contract or agreement become the allowable fees under the Nebraska Workers' Compensation Act for services addressed by such contract or agreement.

(2)(a) The employee has the right to select a physician who has maintained the employee's medical records prior to an injury and has a documented history of treatment with the employee prior to an injury or a physician who has maintained the medical records of an immediate family member of the employee prior to an injury and has a documented history of treatment with an immediate family member of the employee prior to an injury. For purposes of this subsection, immediate family member means the employee's spouse, children, parents, stepchildren, and stepparents. The employer shall notify the employee following an injury of such right of selection in a form and manner and within a timeframe established by the compensation court. If the employer fails to notify the employee of such right of selection or fails to notify the employee of such right of selection in a form and manner and within a timeframe established by the compensation court, then the employee has the right to select a physician. If the employee fails to exercise such right of selection in a form and manner and within a timeframe established by the compensation court following notice by the employer pursuant to this subsection, then the employer has the right to select the physician. If selection of the initial physician is made by the employee or employer pursuant to this subsection following notice by the employer pursuant to this subsection, the employee or employer shall not change the initial selection of physician made pursuant to this subsection unless such change is agreed to by the employee and employer or is ordered by the compensation court pursuant to subsection (6) of this section. If compensability is denied by the workers' compensation insurer, risk management pool, or self-insured employer, (i) the employee has the right to select a physician and shall not be made to enter a managed care plan and (ii) the employer is liable for medical, surgical, and hospital services subsequently found to be compensable. If the employer has exercised the right to select a physician pursuant to this subsection and if the compensation court subsequently orders reasonable medical services previously refused to be furnished to the employee by the physician selected by the employer, the compensation court shall allow the employee to select another physician to furnish further medical services. If the employee selects a physician located in a community not the home or place of work of the employee and a physician is available in the local community or in a closer community, no travel expenses shall be required to be paid by the employer or his or her workers' compensation insurer.

(b) In cases of injury requiring dismemberment or injuries involving major surgical operation, the employee may designate to his or her employer the physician or surgeon to

perform the operation.

(c) If the injured employee unreasonably refuses or neglects to avail himself or herself of medical or surgical treatment furnished by the employer, except as herein and otherwise provided, the employer is not liable for an aggravation of such injury due to such refusal and neglect and the compensation court or judge thereof may suspend, reduce, or limit the compensation otherwise payable under the Nebraska Workers' Compensation Act.

(d) If, due to the nature of the injury or its occurrence away from the employer's place of business, the employee or the employer is unable to select a physician using the procedures provided by this subsection, the selection requirements of this subsection shall not apply as long as the inability to make a selection persists.

(e) The physician selected may arrange for any consultation, referral, or extraordinary or other specialized medical services as the nature of the injury requires.

(f) The employer is not responsible for medical services furnished or ordered by any physician or other person selected by the employee in disregard of this section. Except as otherwise provided by the Nebraska Workers' Compensation Act, the employer is not liable for medical, surgical, or hospital services or medicines if the employee refuses to allow them to be furnished by the employer.

(3) No claim for such medical treatment is valid and enforceable unless, within fourteen days following the first treatment, the physician giving such treatment furnishes the employer a report of such injury and treatment on a form prescribed by the compensation court. The compensation court may excuse the failure to furnish such report within fourteen days when it finds it to be in the interest of justice to do so.

(4) All physicians and other providers of medical services attending injured employees shall comply with all the rules and regulations adopted and promulgated by the compensation court and shall make such reports as may be required by it at any time and at such times as required by it upon the condition or treatment of any injured employee or upon any other matters concerning cases in which they are employed. All medical and hospital information relevant to the particular injury shall, on demand, be made available to the employer, the employee, the workers' compensation insurer, and the compensation court. The party requesting such medical and hospital information shall pay the cost thereof. No such relevant information developed in connection with treatment or examination for which compensation is sought shall be considered a privileged communication for purposes of a workers' compensation claim. When a physician or other provider of medical services willfully fails to make any report required of him or her under this section, the compensation court may order the forfeiture of his or her right to all or part of

payment due for services rendered in connection with the particular case.

(5) Whenever the compensation court deems it necessary, in order to assist it in resolving any issue of medical fact or opinion, it shall cause the employee to be examined by a physician or physicians selected by the compensation court and obtain from such physician or physicians a report upon the condition or matter which is the subject of inquiry. The compensation court may charge the cost of such examination to the workers' compensation insurer. The cost of such examination shall include the payment to the employee of all necessary and reasonable expenses incident to such examination, such as transportation and loss of wages.

(6) The compensation court shall have the authority to determine the necessity, character, and sufficiency of any medical services furnished or to be furnished and shall have authority to order a change of physician, hospital, rehabilitation facility, or other medical services when it deems such change is desirable or necessary. Any dispute regarding medical, surgical, or hospital services furnished or to be furnished under this section may be submitted by the parties, the supplier of such service, or the compensation court on its own motion for informal dispute resolution by a staff member of the compensation court or an outside mediator pursuant to section 48-168. In addition, any party or the compensation court on its own motion may submit such a dispute for a medical finding by an independent medical examiner pursuant to section 48-134.01. Issues submitted for informal dispute resolution or for a medical finding by an independent medical examiner may include, but are not limited to, the reasonableness and necessity of any medical treatment previously provided or to be provided to the injured employee. The compensation court may adopt and promulgate rules and regulations regarding informal dispute resolution or the submission of disputes to an independent medical examiner that are considered necessary to effectuate the purposes of this section.

(7) For the purpose of this section, physician has the same meaning as in section 48-151.

(8) The compensation court shall order the employer to make payment directly to the supplier of any services provided for in this section or reimbursement to anyone who has made any payment to the supplier for services provided in this section. No such supplier or payor may be made or become a party to any action before the compensation court.

(9) Notwithstanding any other provision of this section, a workers' compensation insurer, risk management pool, or self-insured employer may contract for medical, surgical, hospital, and rehabilitation services to be provided through a managed care plan certified pursuant to section 48-120.02. Once liability for medical, surgical, and hospital services has been accepted or determined, the employer may require that employees subject to

the contract receive medical, surgical, and hospital services in the manner prescribed in the contract, except that an employee may receive services from a physician selected by the employee pursuant to subsection (2) of this section if the physician so selected agrees to refer the employee to the managed care plan for any other treatment that the employee may require and if the physician so selected agrees to comply with all the rules, terms, and conditions of the managed care plan. If compensability is denied by the workers' compensation insurer, risk management pool, or self-insured employer, the employee may leave the managed care plan and the employer is liable for medical, surgical, and hospital services previously provided. The workers' compensation insurer, risk management pool, or self-insured employer shall give notice to employees subject to the contract of eligible service providers and such other information regarding the contract and manner of receiving medical, surgical, and hospital services under the managed care plan as the compensation court may prescribe.

Sec. 2. Original section 48-120, Revised Statutes Supplement, 2005, is repealed.

2. Amend any operative date section so that the sections added by this amendment become operative three calendar months after adjournment of this legislative session.

3. Renumber any remaining sections and correct internal references accordingly.

VISITORS

Visitors to the Chamber were Patty Novicki from Plainview, Gary Timm from Crofton, and Gary Lundberg from Wausa; and fourth-grade students and teachers from Morton Elementary School, Lexington.

The Doctor of the Day was Dr. Dustin Snelling from Omaha.

ADJOURNMENT

At 5:45 p.m., on a motion by Senator Flood, the Legislature adjourned until 9:00 a.m., Tuesday, March 28, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTIETH DAY - MARCH 28, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 28, 2006

PRAYER

The prayer was offered by Father Val Bartek, St. James Church, Trenton.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Brashear, Brown, Cornett, Heidemann, Landis, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-ninth day was approved.

SELECT FILE

LEGISLATIVE BILL 746A. Senator D. Pederson renewed his pending amendment, AM2900, found on page 1198.

The D. Pederson amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 872A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 968A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 994A. Senator Jensen renewed his pending amendment, AM2896, found on page 1177.

The Jensen amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1126. With Emergency.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize certain write-offs as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Aguilar	Cudaback	Janssen	Mines	Smith
Baker	Cunningham	Jensen	Pahls	Stuhr
Beutler	Engel	Johnson	Pedersen, Dw.	Stuthman
Bourne	Erdman	Kopplin	Pederson, D.	Synowiecki
Brown	Fischer	Kremer	Preister	Thompson
Burling	Flood	Kruse	Price	Wehrbein
Byars	Foley	Landis	Raikes	
Chambers	Friend	Langemeier	Redfield	
Combs	Howard	Louden	Schimek	
Connealy	Hudkins	McDonald	Schrock	

Voting in the negative, 0.

Excused and not voting, 3:

Brashear	Cornett	Heidemann

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1060 with 39 ayes, 2 nays, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1060. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2005,

LB 424, sections 10, 25, 43, and 45; and Laws 2005, LB 425, sections 14, 15, 17, 33, 34, 47, 49, 61, 66, 100, 102, 104, 105, 107, 109, 112, 113, 114, 116, 117, 123, 126, 136, 139, 164, 169, 170, 172, 183, 187, 192, 194, 195, 204, 209, 226, 240, 242, 248, 249, 254, 259, and 275; to define terms; to provide, change, and eliminate provisions relating to appropriations; to provide for transfers; to repeal the original sections; to outright repeal Laws 2005, LB 348A, section 6; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Aguilar	Connealy	Hudkins	McDonald	Stuhr
Baker	Cornett	Janssen	Pahls	Stuthman
Beutler	Cudaback	Jensen	Pedersen, Dw.	Synowiecki
Bourne	Cunningham	Johnson	Pederson, D.	Thompson
Brown	Engel	Kopplin	Preister	Wehrbein
Burling	Fischer	Kremer	Price	
Byars	Flood	Kruse	Raikes	
Chambers	Heidemann	Landis	Schimek	
Combs	Howard	Louden	Schrock	

Voting in the negative, 7:

Erdman	Friend	Mines	Smith
Foley	Langemeier	Redfield	

Excused and not voting, 1:

Brashear

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1061 with 41 ayes, 2 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1061. With Emergency.

A BILL FOR AN ACT relating to funds; to amend sections 13-2041, 59-1623, and 60-1513, Reissue Revised Statutes of Nebraska, sections 71-7607, 81-15,174, 84-221, 90-267, 90-268, 90-269, and 90-270, Revised

Statutes Cumulative Supplement, 2004, and sections 60-101, 60-154, 72-816, 86-401, and 86-418.01, Revised Statutes Supplement, 2005; to create and provide for the use of certain funds; to transfer funds; to change termination dates; to eliminate funds and provisions relating to the use of certain funds; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 59-1608.02 and 84-220, Reissue Revised Statutes of Nebraska, and sections 84-619 and 86-417, Revised Statutes Supplement, 2005; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Aguilar	Cornett	Howard	Louden	Schrock
Baker	Cudaback	Hudkins	McDonald	Smith
Beutler	Cunningham	Janssen	Mines	Stuhr
Bourne	Engel	Jensen	Pedersen, Dw.	Stuthman
Brown	Erdman	Johnson	Pederson, D.	Synowiecki
Burling	Fischer	Kopplin	Preister	Thompson
Byars	Flood	Kremer	Price	Wehrbein
Chambers	Foley	Kruse	Raikes	
Combs	Friend	Landis	Redfield	
Connealy	Heidemann	Langemeier	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Pahls

Excused and not voting, 1:

Brashear

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1131. With Emergency.

A BILL FOR AN ACT relating to state funds; to amend section 84-613, Revised Statutes Cumulative Supplement, 2004, and section 84-612, Revised Statutes Supplement, 2005; to provide for transfers from and change allocation of interest earned on the Cash Reserve Fund; to eliminate obsolete provisions; to create the State Capitol Restoration Fund; to harmonize provisions; to repeal the original sections; and to declare an

emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Aguilar	Cornett	Hudkins	McDonald	Schrock
Baker	Cudaback	Janssen	Mines	Smith
Beutler	Cunningham	Jensen	Pahls	Stuhr
Bourne	Engel	Johnson	Pedersen, Dw.	Stuthman
Brown	Erdman	Kopplin	Pederson, D.	Synowiecki
Burling	Fischer	Kremer	Preister	Thompson
Byars	Flood	Kruse	Price	Wehrbein
Chambers	Foley	Landis	Raikes	
Combs	Friend	Langemeier	Redfield	
Connealy	Heidemann	Louden	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Howard

Excused and not voting, 1:

Brashear

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

RESOLUTIONS

LEGISLATIVE RESOLUTION 376. Introduced by D. Pederson, 42.

PURPOSE: The Public Employees Retirement Board has fiduciary responsibility with respect to the administration of retirement systems with a market value in excess of $7.2 billion and a membership of over 96,000 active, inactive, and retired public employees. The purpose of this study is to examine the composition, qualifications, terms of service, and duties and responsibilities of the Public Employees Retirement Board as defined in law.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 377. Introduced by Mines, 18; Brashear, 4; Brown, 6; Friend, 10; Jensen, 20; Pahls, 31; Redfield, 12; Synowiecki, 7.

PURPOSE: The purpose of this resolution is to examine the advantages, barriers, and opportunities to housing diversification in a metropolitan city with special focus on how inclusionary zones, development fees, housing tax credits, tax abatement, housing trust funds, and gap financing can help the community meet its affordable income housing needs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution. In order to accomplish this, the Executive Board shall create a task force comprised of the following members:

(1) One member designated by the Omaha Housing Authority;

(2) One member designated by the Douglas County Housing Authority;

(3) One member designated by the Omaha Economic Development Corporation;

(4) One member designated by the Nebraska Investment Finance Authority;

(5) One member designated by the Holy Name Housing Corporation;

(6) One member designated by the Metro Omaha Builders Association;

(7) One member designated by the Government, Military and Veterans Affairs Committee of the Legislature;

(8) One member designated by the Banking, Commerce and Insurance Committee of the Legislature;

(9) One member designated by the Douglas County Board of Commissioners;

(10) One member designated by the Mayor of the City of Omaha; and

(11) One member designated by the Affordable Housing Management Association of Nebraska and Iowa.

2. That the task force shall report its findings and recommendations to the Executive Board of the Legislature before December 31, 2006.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 898. Title read. Considered.

The Standing Committee amendment, AM2116, printed separately and referred to on page 718, was considered.

Senator Langemeier renewed his pending amendment, AM2742, found on page 1055, to the Standing Committee amendment.

The Langemeier amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 378. Introduced by Raikes, 25.

PURPOSE: The purpose of this study resolution is to investigate and review matters and issues arising during the interim which are within the jurisdiction of the Education Committee of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 379. Introduced by Dw. Pedersen, 39.

PURPOSE: The purpose of this interim study is to address the issues surrounding long-term residential treatment resources for chemical dependency. The interim study should reflect the need to provide assistance in making the transition from incarceration to living in the community, including assistance with employment, housing, treatment, education, and parenting skills. While there are many ideas on how this can be done, funding resources are few. The study should also look at funding options as well as the relationships between state and private funding with an emphasis in finding ways to utilize both in our efforts to provide meaningful treatment and transitional opportunities for alcohol and drug offenders in the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 380. Introduced by Dw. Pedersen, 39.

PURPOSE: The purpose of this resolution is to study parole issues, including, but not limited to, consideration of correctional programs, community programs, decisionmaking by the Board of Parole, administrative performance of the Office of Parole Administration, and the role of the Board of Parole in the pardon process. Some of the areas to be considered are:

(1) The adequacy of preparation for release by the Department of Correctional Services in the areas of mental health, substance abuse, education, and job skills;

(2) A survey of community programs that are available and/or needed to address the needs of community custody inmates, parolees, and inmates who have completed their incarceration;

(3) A review of the decisionmaking processes of the Board of Parole, including a review of the numbers of inmates paroled, the criminal histories of the inmates paroled, and the length of parole;

(4) A review of the administrative performance of the Office of Parole Administration, including the case loads of parole officers, the statewide distribution of parole administration staff, and the budget of the Office of Parole Administration;

(5) The pardon process with particular attention devoted to the question of the recommendations from the Board of Parole to the Board of Pardons regarding commutation of sentences; and

(6) Review of the use of medical or hardship parole in the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution. The committee shall utilize the energies and expertise of legislative staff, Department of Correctional Services staff, the Board of Parole and the Office of Parole Administration, any community resources, and other interested parties. This study shall be completed before December 31, 2006.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 381. Introduced by Dw. Pedersen, 39.

PURPOSE: The purpose of this interim study is to examine the issues raised by LB 1071, introduced in 2006. The committee should study the procedures to be followed by the Department of Motor Vehicles when motor vehicle liability insurance is canceled or terminated.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 382. Introduced by Synowiecki, 7; Janssen, 15.

PURPOSE: The purpose of this study is to evaluate the implementation of the new Nebraska Liquor Control Commission rule regarding acceptable forms or means of payment between retail licensees and wholesale licensees for purchases of alcoholic beverages (Title 237, Chapter 6, 015.05). The new rule, effective November 28, 2005, allows a wholesale licensee to accept credit cards as a form of payment from a retail licensee. The study should consider the following:

(1) Overall evaluation of the implementation of the new rule;

(2) Reported abuses of the new rule by wholesale licensees or retail licensees; and

(3) The number of wholesale licensees accepting credit cards as a form of payment and the ability of retail licensees to use credit cards as a form of payment for alcoholic beverages.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 383. Introduced by Dw. Pedersen, 39; Redfield, 12.

PURPOSE: To study issues surrounding the use of ignition interlock devices for persons who have been convicted of driving under the influence as proposed in LB 1169 (2006). Some of the items to be studied should include:

(1) Study federal revocation period requirements for driving under the influence (DUI) necessary for state compliance with federal grant programs;

(2) Study the feasibility of a graduated system of "hard time" revocation periods before ignition interlock devices can be installed;

(3) Study the current statutes regarding fifteen-year and life suspensions and study the feasibility of installing ignition interlock devices during that period of time, including what would be the optimum "hard revocation" time before a person with a fifteen-year license on life suspension can be considered for approval of an ignition interlock device and how long that device must remain installed in their vehicle. Study the proper period of "hard time" revocation if a person refuses to submit to a chemical test;

(4) Study the electronic abstracting process for DUI cases to determine if the Department of Motor Vehicles is receiving adequate information to allow probation orders for ignition interlock devices to be correctly enforced;

(5) Study the courts' probation orders for ignition interlock devices and oversight of persons on probation with ignition interlock device orders to see if there are better ways for probationers to comply with such orders;

(6) Study whether or not ignition interlock device orders should be mandatory in DUI sentences;

(7) Study DUI employment permit statutes to see if uses of employment permits should be expanded, including, but not limited to, allowing drivers with revoked licenses to travel to court-mandated treatment programs and community service; and

(8) Study the need for subsidized access to ignition interlock devices and determine who should manage such a program if it is deemed to be necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 384. Introduced by Louden, 49; Engel, 17; Erdman, 47; Fischer, 43; Heidemann, 1; Howard, 9; Hudkins, 21; Kopplin, 3; Kruse, 13; Landis, 46; Langemeier, 23; McDonald, 41; Dw. Pedersen, 39; Stuthman, 22; Synowiecki, 7.

PURPOSE: The purpose of this interim study is to study the use of tax-deferred exchanges in Nebraska, also known as Starker exchanges, like-kind exchanges, tax-free exchanges, real estate exchanges, delayed exchanges, nontaxable exchanges, and real property exchanges, under section 1031 of the Internal Revenue Code of 1986.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 385. Introduced by Smith, 48; Stuthman, 22.

WHEREAS, highest commendations are extended to the National Association for Music Education, the Nebraska Music Educators Association, and the First Lady of the United States, Mrs. Laura Bush, for their efforts on behalf of the National Anthem Project; and

WHEREAS, The Star-Spangled Banner was adopted as the National Anthem of the United States in 1931 by an Act of Congress; a Harris Interactive Survey discovered that of men and women eighteen years of age and older, sixty-one percent of those surveyed did not know all the lyrics of the first stanza; of those who answered the question correctly, fifty-eight percent had received at least five years of music education; and an ABC News poll revealed that more than one in three Americans do not know the official name of the National Anthem is The Star-Spangled Banner, less than thirty-five percent of American teens can name Francis Scott Key as the composer of the National Anthem, and as few as fifteen percent of American youth can sing the words to the anthem from memory; and

WHEREAS, the National Association for Music Education and the Nebraska Music Educators Association have taken the lead role in promoting the National Anthem through the National Anthem Project to help remedy this concern; First Lady Laura Bush has agreed to serve as the Honorary Chairperson of the National Anthem Project and is lending her support and visibility to this effort; and

WHEREAS, the study of American heritage through music, inspired by important moments in our nation's history, is basic to a complete education and the future of our country and its citizens. Music education ensures that, through the use of songs that teach the history and heritage of the United States, students learn to take pride in our nation; and

WHEREAS, the study of music provides increased opportunities for valuable educational experiences, engages students in individual and group activities, and develops creativity, problem-solving, and critical thinking skills; and

WHEREAS, the State of Nebraska is concerned with maintaining and improving high quality school music programs for all students and teaching the importance of the historical events that created our great nation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature finds the number of citizens of the United States unable to correctly sing the National Anthem unacceptable and wholeheartedly supports the National Anthem Project. The Legislature

encourages all Nebraska music educators and citizens to participate in the National Anthem Project as promoted by the National Association for Music Education and the Nebraska Music Educators Association.

2. That the Legislature recognizes and commends all music teachers, the National Association for Music Education, and the National Anthem Project for their commitment to enhancing the quality of music education and their efforts to restore American heritage and promote the significance of the National Anthem through the National Anthem Project.

3. That the Legislature also commends First Lady Laura Bush for her efforts on behalf of the National Anthem Project.

Laid over.

LEGISLATIVE RESOLUTION 386. Introduced by Stuthman, 22; Louden, 49; Preister, 5.

PURPOSE: The purpose of this resolution is to examine and evaluate the economic impact of net metering on private renewable energy production. The committee should focus on the impact on the producer, the public power industry, and other energy consumers, and study whether the effort will need to be subsidized. The committee should also determine whether net metering efforts would provide incentives to citizens to invest in renewable energy production.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 387. Introduced by Mines, 18.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact the Uniform Real Property Electronic Recording Act as promulgated by the National Conference of Commissioners on Uniform State Laws in 2005. In order to carry out the purpose of this resolution, the committee should seek and consider the input of interested persons as it deems necessary and beneficial.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 388. Introduced by Mines, 18.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact the Uniform Residential Mortgage Satisfaction Act as promulgated by the National Conference of Commissioners on Uniform State Laws in 2004. In order to carry out the purpose of this resolution, the committee should seek and consider the input of interested persons as it deems necessary and beneficial.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 1107. Title read. Considered.

The Standing Committee amendment, AM2615, found on page 1097, was considered.

Senator Thompson offered the following amendment to the Standing Committee amendment:

AM2932

(Amendments to Standing Committee amendments, AM2615)

1. On page 1, strike beginning with "possess" in line 5 through "to" in line 6; in lines 8 and 22 strike "licensed health care provider" and insert "physician"; and in line 14 after "guardian" insert ", in consultation with the student's physician,".

The Thompson amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 11 present and not

voting, and 4 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 389. Introduced by Schrock, 38.

PURPOSE: The purpose of this interim study is to examine the possibility of interbasin transfers during water-short years to assist the state in complying with any interstate compact, decree, or agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 390. Introduced by Schrock, 38.

PURPOSE: The purpose of this interim study is to examine the exemption of certain individuals from the requirements of the Geologists Regulation Act. Current statute states that persons performing geological work for which state approval or permitting is required are exempted from the requirements of obtaining licensure as a professional geologist. The study will examine the effect of eliminating or modifying this exemption and review options for assuring that the practice of geology in Nebraska is performed by qualified individuals.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 391. Introduced by Schrock, 38.

PURPOSE: The purpose of this interim study is to examine the possibility for the elimination of park entry permit fees and possible replacement dollars for this program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 392. Introduced by Schrock, 38.

PURPOSE: The purpose of this interim study is to study the Livestock Waste Management Act provisions regarding permit application rejection and disciplinary actions and the filing of unsubstantiated or frivolous complaints against livestock feeding operations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 393. Introduced by Schrock, 38.

PURPOSE: The purpose of this interim study is to examine the effects of conservation practices on water quantity in Nebraska's rivers and streams.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 394. Introduced by Schrock, 38.

PURPOSE: The purpose of this interim study is to review the Nebraska Resources Development Fund in the Department of Natural Resources. The fund was created in 1974 to provide loans or grants to political subdivisions for projects that provide land and water resource benefits to the citizens of Nebraska. The study may include, but not be limited to, historical data regarding the use of the fund, an analysis of ongoing funding requirements,

the effect of federal funding and state matching fund requirements upon project funding requests, the use of a financial cap to control the amount of funding that may be allocated to approved projects, and whether statutory and budgetary adjustments may be necessary to better address the effectiveness of the program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 395. Introduced by Kopplin, 3.

PURPOSE: The purpose of this interim study is to examine school district boundary issues, adequacy or lack thereof of financial resources both state and local, racial diversity, and other educational issues in the Douglas County metropolitan area as deemed pertinent by the Education Committee of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 1148. Title read. Considered.

The Standing Committee amendment, AM2606, found on page 1098, was considered.

Senator Cornett offered the following amendment to the Standing Committee amendment:

AM2933

(Amendments to Standing Committee amendments, AM2606)

1. On page 1, strike beginning with "possess" in line 5 through "to" in line 6; strike beginning with "licensed" in line 8 through "provider" in line 9 and insert "physician"; and in line 14 after "guardian" insert ", in consultation with the student's physician,".

2. On page 2, strike beginning with "licensed" in line 3 through "provider" in line 4 and insert "physician".

The Cornett amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

SPEAKER BRASHEAR PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 1126, 1060, 1061, and 1131.

SENATOR BAKER PRESIDING

GENERAL FILE

LEGISLATIVE BILL 1038. Title read. Considered.

The Standing Committee amendment, AM2771, found on page 1119, was considered.

Senator Chambers offered the following amendment to the Standing Committee amendment:
FA641

Amendment to Committee Amendments

Strike section 2.

Senator Chambers withdrew his amendment.

Senator Chambers requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:
FA642

Section 2. Section 77-27,119.05, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,119.05 On the individual income tax return forms for tax years 2003~~, 2004, and 2005~~ through 2008, the Tax Commissioner shall include on the individual income tax form space in which the individual taxpayer may, if a refund is due, designate

one dollar or a greater amount of the refund as a contribution to the Nebraska State Fair. In the case of a joint return, each spouse may designate one dollar or a greater amount of the refund as a contribution to the fund.

The first Standing Committee amendment lost with 8 ayes, 11 nays, 27 present and not voting, and 3 excused and not voting.

The second Standing Committee amendment is as follows:
FA643

Section 1. (1) As a condition of approval, a lease or agreement the purpose of which is to allow an entity other than a state agency to provide improvements or structures in excess of one hundred fifty thousand dollars on the Nebraska State Fairgrounds property shall be reviewed by the state building division and the Task Force for Building Renewal pursuant to sections 81-176, 81-1108.15, and 81-1114. Such review shall include review of the lease, agreement, plans, specifications, other construction or repair documents, potential maintenance requirements, all financing plans, and any other document deemed necessary by the state building division or Task Force for Building Renewal as a requirement for approval of such lease or agreement. Subsequent to such review, the state building division and the task force shall submit a report to the Nebraska State Fair Board, the Governor, the Committee on Building Maintenance of the Legislature, and the Legislative Fiscal Analyst, including a summary of the review, an outline of the terms and conditions of the proposed lease or agreement, and a recommendation for approval or disapproval of the lease or agreement. Such proposed lease or agreement shall be approved by the Nebraska State Fair Board, the Governor, and the Legislature prior to execution. If the Legislature is not in session, the Executive Board of the Legislative Council shall act for the Legislature.

(2) No construction or other work related to proposed improvements or structures requiring approval under this section shall be initiated prior to receiving such approval. This section shall not apply to a lease or agreement executed prior to the effective date of this act. This section shall apply to an amendment of a lease or an agreement if the amendment is executed after the effective date of this act and the amendment includes improvements or structures in excess of one hundred fifty thousand dollars.

Sec. 3. Section 81-1108.33, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.33 (1) It is the intent of the Legislature that the state will not assume responsibility for the substandard construction, repair, or maintenance of, or for the excessive maintenance or repair costs for, real property, structures, or improvements which will be made available by gift, bequest,

or devise to any state agency, board, or commission. Therefor, prior to any construction, repair, or maintenance work on such real property, structure, or improvement, the state building division and the Task Force for Building Renewal shall review the plans, specifications, other construction or repair documents, and potential maintenance requirements as a requirement for acceptance by the state of such real property, structure, or improvement.

(2)(a) Any gift of, bequest of, or devise of (i) real property, (ii) a structure, or (iii) an improvement proposed to be made available to any state agency, board, or commission shall be reviewed by the state building division and the Task Force for Building Renewal pursuant to sections 81-176, 81-1108.15, and 81-1114. Such review shall include any potential matching of state funds, any plans, specifications, and other construction or repair documents reviewed pursuant to subsection (1) of this section, and any potential maintenance requirements as a condition of acceptance. Subsequent to such review, the state building division and the task force shall submit a report to the Governor, the Committee on Building Maintenance, and the Legislative Fiscal Analyst including a summary of the review of the plans, specifications, and other construction or repair documents and potential maintenance requirements and outlining the terms and conditions of the proposed gift, bequest, or devise along with its recommendation.

(b) Any proposed gift of, bequest of, or devise of (i) real property, (ii) a structure, or (iii) an improvement in excess of ten thousand dollars shall be approved by the Governor and the Legislature prior to acceptance. If the Legislature is not in session, the Executive Board of the Legislative Council, after recommendation by the Committee on Building Maintenance, may approve such gift, bequest, or devise along with the Governor.

(c) No construction or other work related to the proposed gift, bequest, or devise shall be initiated prior to receiving the approval required by this section.

(3) For purposes of this section, gift of, bequest of, or devise of (a) real property, (b) a structure, or (c) an improvement shall include, but not be limited to, a donation of, gift of, bequest of, devise of, or grant of (i) real property, (ii) a structure, or (iii) an improvement from an individual, an organization, a corporation, a foundation, or a similar entity or from a nonfederal governmental agency. For purposes of this section, gift, bequest, or devise shall not include a donation, gift, bequest, devise, or grant of tangible or intangible personal property.

(4) This section shall not apply to (a) the University of Nebraska or any Nebraska state college, since these agencies are subject to and participate in statewide facilities planning developed by the Coordinating Commission for Postsecondary Education pursuant to the Coordinating Commission for Postsecondary

Education Act or (b) improvements or structures on Nebraska State Fairgrounds property reviewed and approved pursuant to section 1 of this act.

Sec. 4. Original sections 77-27,119.05 and 81-1108.33, Reissue Revised Statutes of Nebraska, are repealed.

The second Standing Committee amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 396. Introduced by Howard, 9; Combs, 32; Price, 26.

WHEREAS, each year about seven hundred thousand Americans suffer a new or recurrent stroke, and on average, a stroke occurs every forty-five seconds; and

WHEREAS, stroke is the nation's third-leading cause of death, and on average, about every three minutes someone dies of a stroke; and

WHEREAS, one-third of stroke victims are under age sixty-five and three of every five deaths from stroke occur in women; and

WHEREAS, it is estimated that up to eighty percent of all strokes may be preventable; and

WHEREAS, only about five percent of stroke patients arrive at the hospital in time to receive potentially life-saving treatment because many are unfamiliar with the warning signs or do not realize they should seek medical help immediately; and

WHEREAS, Americans will pay about $57.9 billion in 2006 for stroke-related medical costs and disability; and

WHEREAS, each year, the American Stroke Association recognizes the month of May as Stroke Awareness Month to increase public awareness about the warning signs of stroke and that "Stroke is a medical emergency: Call 9-1-1".

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes May of 2006 as Stroke Awareness Month in Nebraska.

2. That during the week communities are encouraged to participate in activities designed to increase public awareness about strokes.

Laid over.

LEGISLATIVE RESOLUTION 397. Introduced by Preister, 5.

PURPOSE: Consumer demand for organic foods is rapidly increasing. Nebraska farmers have an opportunity to become leaders in the growth and

marketing of organic foods as farmers markets, grocery stores, restaurants, and other businesses continue to add more organic products in response. Organic foods provide economic development opportunities for Nebraska farmers, ranchers, and businesses. Organic products must maintain certain standards in order to be granted organic certification. This study shall include, but not be limited to, examination of the following:

(1) Methods of increasing organic food production;

(2) Whether tax credits or other incentives are an effective means of supporting organic food production;

(3) Whether there are barriers to developing organic food production;

(4) Methods of protecting organic foods from contamination by non-organic products; and

(5) Methods of protecting, developing, and expanding markets for organic foods.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study conduct a hearing and make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 398. Introduced by Schimek, 27.

PURPOSE: The purpose of this study is to explore the issue of fees which are collected and retained by public officials and employees. The Legislature passed LB 823, Ninety-ninth Legislature, Second Session, 2006, which prohibited clerks of the district court from retaining fees from passport applications for their personal use. During the discussion on the bill, the issue was raised as to other instances where fees are being collected and retained by public officials or employees.

The issues addressed by this interim study will include, but are not limited to, identifying the situations in which fees are retained by a public official or employee for personal use and exploring whether retaining the fees is appropriate under those situations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 399. Introduced by Flood, 19.

PURPOSE: The purpose of this study is to compare and contrast Nebraska statutes pertaining to dissolution of marriage, child custody, child visitation, and protection orders with California statutes pertaining to the same issues.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution and to work with interested parties.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 400. Introduced by Jensen, 20.

PURPOSE: The purpose of this study is to examine and provide recommendations relating to the Welfare Reform Act and state-funded public assistance programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 401. Introduced by Jensen, 20.

PURPOSE: The purpose of this study is to examine and provide recommendations relating to the development of a comprehensive plan and implementation strategy for the integration, coordination, and funding of publicly funded services and supports on behalf of persons with traumatic brain injury and their families.

The Community-Based Neurobehavioral Action Plan Act was adopted in LB 519, Ninety-sixth Legislature, First Session, 1999. The act was subsequently repealed in LB 667, Ninety-eighth Legislature, First Session, 2003. Pursuant to the act, a state plan for the provision of services for persons with brain injury and their families was completed in 2002 and a statewide services needs assessment was completed in 2004.

Further consideration of the state plan and the statewide services needs assessment is necessary for the development and implementation of additional plans and activities to address the needs of persons with traumatic brain injury and their families. Further integration and coordination of publicly and privately funded services and supports for persons with

traumatic brain injury and their families is necessary for the more effective and efficient provision of such services and supports on behalf of such persons.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 402. Introduced by Jensen, 20.

PURPOSE: The purpose of this study is to examine and address various health and human services issues within the jurisdiction of the Health and Human Services Committee of the Legislature, including, but not limited to: Health and human services planning and evaluation; the statewide behavioral health system; the Nebraska Mental Health Commitment Act; health insurance availability and affordability; prescription drug access and policy; the medical assistance program established in section 68-1018; the Nebraska Health Care Funding Act; public health law and policy; the Nebraska Health and Human Services System; the Nebraska Clean Indoor Air Act; the Uniform Licensing Law; the regional administrative structure for the delivery of state developmental disability programs and services, mental health programs and services, and aging programs and services; marriage and family preservation; children in out-of-home care; the Welfare Reform Act; and state public assistance programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 403. Introduced by Flood, 19.

PURPOSE: The purpose of this study is to follow-up on the recommendations made in the report "Moving Past the Era of Good Intentions: Methamphetamine Treatment Study" conducted by the University of Nebraska at Omaha. One of the recommendations called for the establishment of "a centralized substance abuse treatment facility for medium and low-risk offenders committed to the custody of the Department

of Correctional Services" to be located in Norfolk. It is incumbent upon the Legislature to monitor and continue the work of this study and to prepare legislation for introduction in the 2007 Legislative Session to address the treatment of substance abuse among offenders in Nebraska correctional facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 404. Introduced by Jensen, 20.

PURPOSE: (1) The Legislature finds that:

(a) The Nebraska Health and Human Services System has been entrusted by the Legislature with numerous powers and duties relating to the protection and promotion of the health and welfare of persons in Nebraska;

(b) The system has initiated and expanded numerous programs and services under its administration to carry out such powers and duties;

(c) The Legislature has appropriated General Funds and other funds for such programs and services, but the amount of such appropriations is often less than the amount identified by the system as being necessary and appropriate for such purpose, despite repeated legislative action to increase such appropriations;

(d) State budget constraints are inconsistent with increasing budget needs of programs and services administered by the system; and

(e) Further legislative action is necessary and appropriate to identify and prioritize core responsibilities of the system, to adequately fund such priorities, and to identify nongovernmental alternatives for the administration and funding of nonpriority programs and services.

(2) The Nebraska Health and Human Services System, in consultation with the Health and Human Services Committee of the Legislature, shall:

(a) Identify and categorize the statutory powers and duties of the system and prioritize the programs and services administered by the system to carry out such powers and duties;

(b) Indicate the amount of funding necessary to adequately fund each program or service;

(c) Identify those programs and services which would not be funded if the FY2005-06 budget for the system was first allocated to each program and service in the order of priority at its adequately funded level; and

(d) Recommend nongovernmental alternatives for the administration and funding of such nonpriority programs and services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 405. Introduced by Jensen, 20.

PURPOSE: The purpose of this study is to examine and provide recommendations relating to the provision of state-funded assistance to low-income women for the provision of pap smears, colposcopy, cervical biopsy, cryotherapy, loop electrosurgical excision procedure (LEEP), and such other treatments and procedures as may be developed for the follow-up of abnormal pap smears, the diagnosis and treatment of sexually transmitted diseases, including, but not limited to, chlamydia, gonorrhea, HPV (genital warts), and herpes, and associated laboratory and equipment costs and staff training costs relating to the use of colposcopy equipment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 406. Introduced by Jensen, 20.

PURPOSE: The purpose of this study is to examine and provide recommendations relating to the development and funding of a statewide immunization registry in the State of Nebraska.

The registry shall be accessible to public and private immunization providers and shall comply with all applicable national standards and federal and state law and rules and regulations.

The purpose of a statewide immunization registry shall be to (1) collect, store, analyze, release, and report immunization data, (2) assure that necessary immunizations are provided and overimmunization is avoided, (3) assess immunization coverage rates, (4) determine areas of underimmunization and other epidemiological research for disease control purposes, (5) document that required immunizations have been provided as required for school or child care admission, and (6) accomplish other public health purposes as determined by the department.

Costs associated with administration of the statewide immunization registry shall be paid from cash funds, contract receipts, gifts, and grants. No general funds shall be used to pay such costs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 28, 2006, at 11:17 a.m. were the following: LBs 1126e, 1060e, 1061e, and 1131e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

AMENDMENT - Print in Journal

Senator Jensen filed the following amendment to LB 994:
(Amendment, AM2926, is printed separately and available in the Bill Room, Room 1104.)

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 990A. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 990, Ninety-ninth Legislature, Second Session, 2006.

UNANIMOUS CONSENT - Add Cointroducers

Senators Redfield and Schimek asked unanimous consent to add their names as cointroducers to LB 1107. No objections. So ordered.

Senator Redfield asked unanimous consent to add her name as cointroducer to LB 1148. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of Gay-Straight Alliances from Lincoln and Norfolk and South High Unity Club from Omaha; 21 fourth-grade students and teacher from St. Paul School, Beatrice; representatives of the Council of Catholic Women from across the state; and 60 fourth-grade students and teachers from Pershing Elementary School, Lexington.

RECESS

At 12:03 p.m., on a motion by Senator Schrock, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Combs, Cornett, Cunningham, and Smith who were excused until they arrive.

MESSAGES FROM THE GOVERNOR

March 23, 2006

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Accountability and Disclosure Commission.

APPOINTEE:

Judy Schweikart, 680 North 58th Street, Omaha NE 68132

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

President, Speaker Brashear
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Child Abuse Prevention Fund Board.

APPOINTEE:

Patricia Madsen, PO Box 69, Stuart NE 68780

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Dave Heineman
Governor

web/
Enclosure

GENERAL FILE

LEGISLATIVE BILL 904. Title read. Considered.

The Standing Committee amendment, AM2576, found on page 880, was considered.

Senator Baker asked unanimous consent to withdraw the Baker et al. pending amendment, AM2645, found on page 978, and replace it with the Landis-Baker-Bourne substitute amendment, AM2935, to the Standing Committee amendment. No objections. So ordered.

AM2935

(Amendments to Standing Committee amendments, AM2576)

1. Insert the following new sections:

Sec. 2. Section 39-2510, Reissue Revised Statutes of Nebraska, is amended to read:

39-2510 (1) All ~~No~~ money derived from fees, excises, or license fees relating to registration, operation, or use of vehicles on the public highways, or to fuels used for the propulsion of such vehicles, shall be expended for ~~other than cost of administering laws under which such money is derived, statutory refunds and adjustments provided therein,~~ payment of highway obligations, cost of construction, reconstruction, maintenance, and repair of public highways and bridges and county, city, township, and village roads, streets, and bridges, and all facilities,

appurtenances, and structures deemed necessary ~~or desirable~~ in connection with such highways, bridges, roads, and streets, ~~except that the provisions of this section shall not apply to~~ or may be pledged to secure bonded indebtedness issued for such purposes, except for (a) the cost of administering laws under which such money is derived, (b) statutory refunds and adjustments provided therein, and (c) money derived from the motor vehicle operators' license fees or money received from parking meter proceeds, fines, and penalties.

(2) The requirements of subsection (1) of this section also apply to sales and use taxes imposed on motor vehicles, trailers, and semitrailers pursuant to sections 13-319 and 77-27,142, except that such provisions shall not apply in a county or municipal county that has issued bonds (a) the proceeds of which were used for purposes listed in subsection (1) of this section and for which revenue other than sales taxes on motor vehicles, trailers, and semitrailers are pledged for payment or (b) approved by a vote that required the use of sales and use taxes imposed on motor vehicles, trailers, and semitrailers for a specific purpose other than those listed in subsection (1) of this section, until all such bonds issued prior to January 1, 2006, have been paid or retired. The county or municipal county shall include a certification with the report under section 39-2120 showing the amount of revenue other than sales and use tax revenue derived from motor vehicles, trailers, or semitrailers that is to be expended for the purposes listed in subsection (1) of this section and the amount of sales and use taxes expected to be collected from sales of motor vehicles, trailers, and semitrailers for that year.

Sec. 3. Section 39-2520, Reissue Revised Statutes of Nebraska, is amended to read:

39-2520 (1) All ~~No~~ money derived from fees, excises, or license fees relating to registration, operation, or use of vehicles on the public highways, or to fuels used for the propulsion of such vehicles, shall be expended for ~~other than cost of administering laws under which such money is derived, statutory refunds and adjustments provided therein,~~ payment of highway obligations, cost of construction, reconstruction, maintenance, and repair of public highways and bridges and county, city, township, and village roads, streets, and bridges, ~~offstreet public parking owned by the municipality,~~ and all facilities, appurtenances, and structures deemed necessary ~~or desirable~~ in connection with such highways, bridges, roads, and streets, ~~except that this section shall not apply to~~ or may be pledged to secure bonded indebtedness issued for such purposes, except for (a) the cost of administering laws under which such money is derived, (b) statutory refunds and adjustments provided therein, and (c) money derived from the motor vehicle operators' license fees or money received from parking meter proceeds, fines, and penalties.

(2) The requirements of subsection (1) of this section

also apply to sales and use taxes imposed on motor vehicles, trailers, and semitrailers pursuant to sections 13-319 and 77-27,142, except that such provisions shall not apply in a municipality that has issued bonds (a) the proceeds of which were used for purposes listed in subsection (1) of this section and for which revenue other than sales and use taxes on motor vehicles, trailers, and semitrailers are pledged for payment or (b) approved by a vote that required the use of sales and use taxes imposed on motor vehicles, trailers, and semitrailers for a specific purpose other than those listed in subsection (1) of this section, until all such bonds issued prior to January 1, 2006, have been paid or retired. The municipality shall include a certification with the report under section 39-2120 showing the amount of revenue other than sales and tax revenue derived from motor vehicles, trailers, or semitrailers that is to be expended for the purposes listed in subsection (1) of this section and the amount of sales and use taxes expected to be collected from sales of motor vehicles, trailers, and semitrailers for that year.

2. On page 2, line 15, after "39-2401" insert ", 39-2510, 39-2520,".

3. Renumber the remaining sections accordingly.

The Landis et al. amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Senator Chambers withdrew his pending amendments, FA580, FA581, FA582, FA583, FA584, FA585, FA586, FA587, FA588, FA589, and FA590, found on pages 986 and 987.

Senator Johnson renewed his pending amendment, AM2712, found on page 1025, to the Standing Committee amendment.

Senator Baker moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 6 nays, and 17 not voting.

Senator Johnson withdrew his amendment.

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Madsen, Patricia - Child Abuse Prevention Fund Board - Health and Human Services

Schweikart, Judy - Accountability and Disclosure Commission - Government, Military and Veterans Affairs

(Signed) Pat Engel, Chairperson
Legislative Council, Executive Board

RESOLUTIONS

LEGISLATIVE RESOLUTION 407. Introduced by Friend, 10.

PURPOSE: This study would permit the Urban Affairs Committee to review and analyze the current options available to cities and villages to conduct economic development activities and programs on their own initiative and under their own control under current law. The study would review current statutes as well as examining how programs are being developed, organized, and conducted by cities and villages now.

The study would review how similarly situated cities and villages in other states are pursuing economic development under different statutory authorization schemes and with what levels of relative success.

It is the goal of the study to determine what changes in our statutes, whether modifications of existing programs or new proposals, would best serve municipal economic development efforts in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 408. Introduced by Friend, 10.

PURPOSE: This study will provide the opportunity for the Urban Affairs Committee of the Legislature to investigate and review matters and issues arising during the interim which are within its jurisdiction and which may be the subject of bills to be introduced in the 2007 legislative session. This would provide the opportunity for a careful review of proposed legislation and the drafting of such legislation before time constraints and the pace of legislative activity makes studied review more problematic. This process has, in the past, served to facilitate review of bills during the regular session and has helped the committee avoid the need for committee amendments which slow down the consideration of bills by the full legislature.

The study will involve:

(1) A review of any legislation considered by the Urban Affairs Committee during the 2005-06 biennium which was either killed by the committee, failed to advance to final reading, or held in committee to determine what other further action by the committee might be warranted with regard to the particular subjects of the individual bills, the subjects to include, but not be limited to, handicapped parking, the formation and

administration of municipal improvement districts, SID's annexation, and planning and zoning;

(2) A review of problems, concerns, or legislation proposed for introduction by senators or other parties for study, technical discussion, or conceptual refinement before the start of the next legislative session; and

(3) The conduct of at least one public hearing to provide an opportunity for public comment and discussion with members of the committee and the public on issues involving matters within the committee's jurisdiction.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 409. Introduced by Preister, 5.

PURPOSE: The study shall include, but is not limited to, an examination of fines issued and other actions taken by the Department of Environmental Quality for violations of program statutes and regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resource Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study conduct a hearing and make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 410. Introduced by Howard, 9.

PURPOSE: The purpose of this study is to evaluate the variables affecting the incidence of suicide in county and city jail facilities throughout Nebraska.

The study will include, but not be limited to:

(1) Examination of similarities among facilities with high suicide rates;

(2) Examination of similarities among facilities with low suicide rates;

(3) Examination of potential solutions to decreasing suicide rates; and

(4) Examination of the potential costs and resources for funding of suggested solutions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 411. Introduced by Flood, 19.

PURPOSE: The purpose of this study is to determine how the State of Nebraska can encourage private landowners to allow the general public to hunt, fish, and trap on their land.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 412. Introduced by Erdman, 47; Friend, 10.

PURPOSE: The purpose of this study is to examine whether the benefits of a unicameral system of state government set forth by George W. Norris and other advocates of unicameralism have been realized.

Unicameral advocates often state:

(1) There is no reason for people to vote for representatives to two separate houses, both on the basis of population. The concept of "one person, one vote" has negated the original intent of having each house elected on a different basis;

(2) The unicameral form simplifies bill passage. The process is more direct since the conference committee is eliminated. Bills are more subject to scrutiny by legislators and the public;

(3) Lobbyists are less influential in the unicameral legislature because the lawmaking process is more public;

(4) In a unicameral system, it is easier to achieve cooperation between executive and legislative branches;

(5) A unicameral system is more economical;

(6) A unicameral system provides greater responsibility to legislators; and

(7) Legislators are more accountable to the public and their constituency because their position is a matter of public record and they are not able to urge opposite positions within the other house.

Alternatively, bicameral advocates often state:

(1) A bicameral legislature provides for more careful and deliberate consideration of legislation. Action of the two houses required for passage prevents bills from being quickly passed under the sway of emotion;

(2) Many of the charges of shifting responsibility are exaggerated and ill-founded. A legislator who continually fails to accept responsibility would not be reelected;

(3) Objectionable lobbying is not the major problem in the bicameral legislature that it is often assumed to be. Lobbyists can more easily promote desired legislation where control is needed in only one house;

(4) Although bicameral state legislatures are not perfect, it would be easier to correct their flaws than to change their structure; and

(5) Further consideration of legislation by another duly-elected body would assure more thoughtful action in passing bills.

This study shall include, but not be limited to, determining the advantages and disadvantages of a unicameral legislature compared to a bicameral legislature regarding such issues as efficiency, economy, effectiveness, organization, accountability, and responsiveness to voters.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 413. Introduced by Erdman, 47; Beutler, 28; Brashear, 4; Foley, 29.

PURPOSE: The purpose of this study is to examine the creation of lump-sum staff salary budgets for state senators. The study will compare the current practice of determining the eligible starting salary with allowing senators the discretion to determine their staff salaries within an allocated budget.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the executive board shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 414. Introduced by Erdman, 47; Johnson, 37.

PURPOSE: The purpose of this study is to review the status of public higher education in Nebraska by examining the following specific questions to be answered by this study rather than focusing only on increasing student enrollment at these institutions:

(1) What is the long-term sustainability of our current public higher education system in Nebraska?

(2) How do the missions of our community colleges, state colleges, and university system link and what can be done to improve efficiencies within the Nebraska public higher education system?

(3) How many colleges and university campuses should the state support based on present and future demographics of the state?

(4) How should state public higher education institutions be coordinated and governed?

(5) What proportion of tuition, private support, and tax dollars should be used to finance public higher education in Nebraska?

(6) What should be the focus of legislation in the next decade regarding public higher education other than increasing student enrollment?

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 415. Introduced by Erdman, 47; Fischer, 43; Kremer, 34; Schrock, 38; Wehrbein, 2.

PURPOSE: The purpose of this study is to examine and address issues associated with implementation of an animal identification program. The study shall specifically seek to identify the current level of voluntary participation of livestock owners in existing animal identification programs, to examine current and future options to increase livestock owners' participation in identification programs, to monitor the progress of the United States Department of Agriculture in developing a national animal identification program as well as to quantify the resource needs of the Nebraska Department of Agriculture to carry out any state components of such a program, and to identify costs to producers, markets, and other segments of the livestock industry.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 416. Introduced by Erdman, 47; Flood, 19.

PURPOSE: The purpose of this resolution is to reexamine the effects of changing the age of majority from age 19 to age 18. This study should include, but not be limited to, examining the effects of this change to wards of the state. In 2003 and 2004, interim studies recommended statutory changes relating to the age of majority. The statutes covered by the committee amendment fell within the jurisdiction of multiple committees of the Legislature. This resolution proposes the Judiciary Committee serve as the lead committee in conducting this study. The legal counsels for the committees with subject matter covered by the study shall participate as staff in the conduct of the interim study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 417. Introduced by Erdman, 47.

PURPOSE: The purpose of this study is to examine the retirement system in place throughout Nebraska for peace officers. The study will compare the plans offered to peace officers employed in the political subdivisions of this state and to make a recommendation to the Legislature on the development of a plan to address the lack of retirement plans for peace officers employed by cities of the second class and villages and any shortfalls in peace officer retirement plans currently in place within the state. These plans could include, but not be limited to, the creation of a new defined benefit plan, the creation of a new defined contribution plan, or the possible inclusion of peace officers employed by cities and villages in the County Employees Retirement Act currently administered by the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 418. Introduced by Erdman, 47.

PURPOSE: The Legislature recognizes the importance of and economic impact that Interstate 80 has on the State of Nebraska, both to bring goods to the citizens of Nebraska and by providing goods and services to travelers from other states. The Legislature further recognizes that the vehicle towing and salvage industry plays an important role in providing services to travelers and for the safe operation of vehicles on the interstate.

The purpose of this study is to consider the steps that can be taken to support and develop the vehicle service and towing industry in Nebraska. This study shall include, but not be limited to, reviewing Nebraska laws and the laws of other states relating to abandoned vehicles and salvage of vehicles and gathering information on the number of and the procedures for clearing damaged and abandoned vehicles. Input shall be solicited from the Nebraska State Patrol, academic professionals, the towing industry, the trucking industry, automobile associations, and any other government agencies, groups, or individuals with relevant information.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 419. Introduced by Erdman, 47.

PURPOSE: In 1991, under the Intermodal Surface Transportation Efficiency Act (ISTEA), Nebraska's length law for combination vehicles was frozen at 65 feet. This issue has not been one that the grain warehouse industry or grain dealers have been concerned with until recently.

Today, grain elevators and producers alike are faced with serious transportation challenges, including sustained record fuel prices, hauling longer distances to terminal markets or processing facilities that offer better margins, and the lack of interest or capacity by Class One Railroads to efficiently haul grain by rail. In Nebraska, as well as nationally, well over fifty percent of all grain transported is hauled by truck instead of rail. The increasing truck traffic is adding a tremendous burden on our roads, challenging local and state government's ability to pay for and maintain adequate repairs, as well as making it more difficult to keep our highways safe.

States to the north and west of Nebraska maintained their longer truck lengths under the 1991 act. Each state varies on their laws and rules and regulations on operating these longer vehicles, however most have adopted the standards of 81 feet 6 inches on non-interstate roads to 110 feet on interstate highways. These extended lengths have added a major boost in the

efficient transportation of grain, because these trucks can haul over one and one-half times the load of grain on the same tank of fuel.

Nebraska Beet Growers have benefitted for some time under a federal exemption that allows beet trucks to run at the 81 feet 6 inches length. In 2006, the custom harvesters obtained a federal exemption to allow the State of Nebraska the option, subject to a change in state law, to allow the operation of commercial vehicle combinations not exceeding 81 feet 6 inches for custom harvesters operating in Nebraska.

Therefor, the Transportation and Telecommunications Committee of the Legislature should conduct an interim study that invites the grain warehouse and feed industry, trucking industry, farm commodity organizations, and state and local government representatives to review all issues involved with, and the practicality for seeking a federal exemption extending the length of combination vehicles in Nebraska for the purposes of hauling corn, wheat, soybeans, sorghum, millet, dry beans, and any other grain as defined by law.

The interim study should also invite representatives from the Nebraska Department of Roads, the State Patrol, the Department of Motor Vehicles, the Department of Agriculture, and the Highway Safety Division of the Department of Motor Vehicles to examine all practical issues surrounding any combination vehicle extension in Nebraska and to examine applicable laws and rules and regulations in states already permitting extended lengths.

The interim study must place particular emphasis on public safety considerations. These safety considerations must include, but are not limited to, highway classification, road and weather conditions, speed limitations, and any other restrictions necessary for the safe and practical operation of extended combination vehicles.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 420. Introduced by Byars, 30.

WHEREAS, school bullying is a major problem in the United States and Nebraska; and

WHEREAS, almost thirty percent of the youth in the United States are estimated to be involved in bullying, either as a bully or as a victim; and

WHEREAS, an estimated one hundred sixty thousand students in kindergarten through twelfth grade miss school every day due to a fear of being bullied; and

WHEREAS, bullying can take many forms, including verbal and physical, and can happen in many places on and off school grounds; and

WHEREAS, the Nebraska Unicameral is addressing bullying in Nebraska through its consideration of a legislative bill requiring schools to adopt anti-bullying policies; and

WHEREAS, it is vitally important for Nebraska students, teachers, and school administrators to be aware of bullying, and to discuss the problem as a school community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the week of September 25-29, 2006, be designated as Nebraska School Bullying Awareness Week, with the intention that the issue of bullying and its prevention be discussed in Nebraska schools during that time.

Laid over.

LEGISLATIVE RESOLUTION 421. Introduced by Bourne, 8.

PURPOSE: The purpose of the study is to review child custody proceedings and determinations. The study shall include an examination of the methods employed by the courts of this state in determining custody including, but not limited to, the option of joint custody and the utilization of mediation and family courts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 422. Introduced by Louden, 49; Baker, 44; Connealy, 16; Cudaback, 36; Fischer, 43; Heidemann, 1; D. Pederson, 42.

PURPOSE: The purpose of this interim study is to study Nebraska's hospital districts' access to property tax revenue in the years since the statutorily-imposed limits on property tax levies took effect in 1998.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 423. Introduced by Landis, 46.

PURPOSE: The purpose of this study is to continue and improve work done by the Revenue Committee of the Legislature during past interims to inform the Legislature and other interested parties of Nebraska's tax structure compared with the past and with other states. Carrying out the purposes of this study does not involve conducting public hearings, but should result in one or more reports to the Legislature detailing Nebraska's tax structure. Examples of reports conducted pursuant to this study would include the base and rates of Nebraska's sales, income, property, excise, and miscellaneous taxes in comparison to the past or to other states; spending by the state and local governments compared to that of governments in other states; the effectiveness of tax reform legislation enacted in the past; and financial and tax policy implications of tax reform or restructuring proposals that have been proposed during recent legislative sessions or arise during this interim. This study shall be directed toward gathering information that will assist the Legislature in training new members of the Legislature and their staff, and in evaluating the State of Nebraska's tax structure in future years.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the staff of the Revenue Committee of the Legislature conduct research and coordinate research conducted by other employees of the Legislative Council or other parts of state government to carry out the purposes of this study.

2. That the legislative staff issue one or more reports pursuant to this study that will assist the Legislature in making decisions in future sessions.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 424. Introduced by Landis, 46.

PURPOSE: The purpose of this interim study is to examine the possibility of negotiating a fuel tax agreement between the state and the Ponca Tribe of Nebraska that would be similar to the agreements negotiated with other Nebraska tribes with motor vehicle fuel stations in the state. The study should discuss issues including, but not limited to, the location of any such motor vehicle fuel station and the appropriate use of any revenue that would be returned to the Ponca Tribe under such an agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the study produce a legislative bill that could be introduced into the 2007 Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 425. Introduced by Landis, 46.

PURPOSE: The purpose of this study is to examine the tax sale certificate process in Chapter 77, article 18, to determine if there are ways to assure collection of delinquent property taxes that are more fair to counties, taxpayers, and investors than the current process.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 426. Introduced by Thompson, 14.

PURPOSE: Identity theft is one of the fastest growing financial crimes. Many states have enacted legislation to allow consumers to place a security freeze on their credit files so that other persons are barred from being issued new credit in the name of the consumer. The purpose of this study is to review the action taken in other states and on the national level.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 427. Introduced by Louden, 49.

WHEREAS, Sara McCue, a senior at Alliance High School, took first place in extemporaneous speech at the Nebraska State Speech Tournament at the University of Nebraska at Kearney, on March 16, 2006, for her speech on the rising costs of health care; and

WHEREAS, Sara is the daughter of Yolanda McCue and Mark McCue; and

WHEREAS, the Alliance High School Speech Team took five first place titles from competitions in 2006 and placed in every one of the nine events held at the district competition in 2006 under the guidance of coaches Karena Soriano and Dr. Edward Foy; and

WHEREAS, Sara McCue's first place achievement is the high point of the Alliance High School Speech Team's remarkably successful year.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Sara McCue on her first place win at the 2006 Nebraska State Speech Tournament.

2. That a copy of this resolution be sent to Sara McCue and her coaches, Karena Soriano and Dr. Edward Foy.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 956A. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 956, Ninety-ninth Legislature, Second Session, 2006.

AMENDMENT - Print in Journal

Senators Kopplin, Landis, and Raikes filed the following amendment to LB 808:
AM2931

1. In AM2210:

a. Strike section 16 and insert the following new sections:

Sec. 16. (1) The county assessor may make a determination that land no longer qualifies for special valuation pursuant to sections 77-1344 and 77-1347. If the county assessor's disqualification determination is made on or before March 19 of the year for which the land is deemed disqualified, the county assessor shall send a written notice of the determination to the applicant or owner within fifteen days after his or her determination, including the reason for the disqualification. A protest of the county assessor's determination may be filed with the county board of equalization within thirty days after the mailing of the notice. The county board of equalization shall decide the protest within thirty days after the filing of the protest. The county clerk shall, within seven days after the county board of equalization's final decision, mail to the protester written notification of the board's decision. The decision of the county board of equalization may be appealed to the Tax Equalization and Review Commission in accordance with section 77-5013 within thirty days after the date of the decision. The valuation notice relating to the land subject to the county assessor's disqualification notice shall be sent in accordance with subsection (2) of section 77-1315 and the valuation may be protested pursuant to section 77-1502.

(2) If the county assessor's disqualification determination is made after March 19 and on or before July 25 of the year for which the land is deemed disqualified, the county assessor shall prepare a report for the county board of equalization setting forth the parcel the county assessor believes

should be disqualified, the reason for the disqualification, and the valuation of the property after disqualification. The county board of equalization may meet on or after June 1 and on or before July 25 to consider the question of the disqualification and valuation of a parcel or parcels reported to the county board of equalization pursuant to this section. Upon review of the report from the county assessor, the county board of equalization may issue a written notice to the taxpayer determining that the parcel should be disqualified and determining the valuation of the parcel after disqualification. A protest of either the disqualification determination or the valuation of the parcel, or both, may be filed with the county board of equalization within thirty days after the mailing of the notice. The county board of equalization shall decide the protest within thirty days after the filing of the protest. The county clerk shall, within seven days after the county board of equalization's final decision, mail to the protester written notification of the board's decision. The decision of the county board of equalization may be appealed to the Tax Equalization and Review Commission in accordance with section 77-5013 within thirty days after the date of the decision.

Sec. 17. Section 77-1348, Revised Statutes Cumulative Supplement, 2004, is amended to read:

77-1348 (1) Whenever land which has received special valuation becomes disqualified for such special valuation, the assessor shall notify the ~~taxpayer~~ applicant and there shall be added to the tax extended against the land on the respective property tax roll or rolls, to be collected and distributed in the same manner as other taxes levied upon real property, an amount equal to the sum of the following:

~~(a) If the land was disqualified for special valuation before the levy date of the year of disqualification, the total amount by which the taxes assessed against the land would have been increased if it had been valued at its recapture value during the last three or lesser number of years in which such special valuation was in effect for the land, and, if the land was disqualified on or after the levy date of the year of disqualification, the total amount by which the taxes assessed against the land would have increased if it had been valued at its recapture value during the last four or lesser number of years in which special valuation was in effect for the land; and~~

(a)(i) For tax year 2007, if the land was disqualified before July 25 of the year of disqualification, the total amount by which the taxes assessed against the land would have been increased if it had been valued at its recapture value during the last two or lesser number of years in which such special valuation was in effect for the land, and, if the land was disqualified on or after July 25 of the year of disqualification, the total amount by which the taxes assessed against the land would have increased if it had been valued at its recapture value during the last three or lesser

number of years in which special valuation was in effect;

(ii) For tax year 2008, if the land was disqualified before July 25 of the year of disqualification, the total amount by which the taxes assessed against the land would have been increased if it had been valued at its recapture value during the last year in which such special valuation was in effect for the land, and, if the land was disqualified on or after July 25 of the year of disqualification, the total amount by which the taxes assessed against the land would have increased if it had been valued at its recapture value during the last two or lesser number of years in which special valuation was in effect; and

(iii) For tax year 2009, if the land was disqualified before July 25 of the year of disqualification, the total amount by which taxes assessed against the land would have been increased if it had been valued at its recapture value during the current tax year, and, if the land was disqualified on or after July 25 of the year of disqualification, the total amount by which the taxes assessed against the land would have increased if it had been valued at its recapture value during the last year in which special valuation was in effect.

For tax years beginning in 2010, the disqualification of land for special valuation shall not result in additional taxes; and

(b) Interest upon the amounts of additional tax from each year included in subdivision (1)(a) of this section at the rate of six percent from the dates at which such additional taxes would have been payable if no special valuation had been in effect through sixty days after the notice sent pursuant to subsection (1) of this section. Upon expiration of the sixty days, the additional taxes and interest shall be delinquent and interest shall accrue at the rate provided in section 45-104.01 until paid.

(2) In cases when the designation of special valuation is removed as a result of a sale or transfer described in subdivision (2) or (3) of section 77-1347 other than an acquisition described in subsection (3) of this section, the lien for such increased taxes and interest shall attach as of the day preceding such sale or transfer.

(3) The provisions of subsection (1) of this section do not apply if:

(a) The land was acquired by eminent domain;

(b) The land is owned by a public entity and is disqualified from special valuation because it is being used or is being developed for use in a public purpose or is exchanged for other property to be used or developed for use in a public purpose; or

(c) The land is donated to an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code or to the state or its political subdivisions and will be used by the organization, state, or political subdivision for

a public, educational, religious, charitable, or cemetery purpose under section 77-202.

b. On page 9, line 5, before the underscored period insert "and at its actual value when the land is disqualified for special valuation under section 77-1347";

c. On page 12, lines 16 through 19, strike the new matter and reinstate the stricken matter; and in line 18 after the reinstated matter insert "and";

d. On page 14, line 13, strike "the levy date", show as stricken, and insert "July 25"; reinstate the stricken matter beginning with "If" in line 15 through line 17; and after line 21 insert the following new subsection:

"(5) Recapture value shall be determined only through tax year 2009. The recapture valuation placed on such land by the county assessor under this section shall be subject to equalization by the county board of equalization and the Tax Equalization and Review Commission.";

e. On page 38, line 26, strike the new matter and reinstate the stricken matter; and

f. On page 39, lines 21 and 22, strike the new matter and reinstate the stricken matter;

2. In the E & R amendments, AM7196, strike amendments 1 a and d.

3. Amend the operative date section so that sections 16 and 17 added by this amendment become operative on January 1, 2007.

4. Renumber the remaining sections and correct internal references accordingly.

GENERAL FILE

LEGISLATIVE BILL 904. Senator Redfield offered the following amendment to the Standing Committee amendment:
AM2942

(Amendments to Standing Committee amendments, AM2576)

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 77-2701.02, Reissue Revised Statutes of Nebraska, is amended to read:

77-2701.02 Pursuant to section 77-2715.01:

(1) Until July 1, 1998, the rate of the sales tax levied pursuant to section 77-2703 shall be five percent;

(2) Commencing July 1, 1998, and until July 1, 1999, the rate of the sales tax levied pursuant to section 77-2703 shall be four and one-half percent;

(3) Commencing July 1, 1999, and until the start of the first calendar quarter after July 20, 2002, the rate of the sales tax levied pursuant to section 77-2703 shall be five percent; and

(4) Commencing on the start of the first calendar quarter after July 20, 2002, the rate of the sales tax levied pursuant to section 77-2703 shall be five and one-half percent, except

that commencing October 1, 2006, the rate of the sales tax levied pursuant to section 77-2703 on motor vehicles, trailers, and semitrailers shall be five percent.

Sec. 2. Original section 77-2701.02, Reissue Revised Statutes of Nebraska, is repealed.

Senator Redfield withdrew her amendment.

Senator Wehrbein offered the following amendment to the Standing Committee amendment:
FA645
"Effective July 1, 2006, the permanent motor fuel tax shall be increased by four cents per gallon to be allocated to the Highway Trust Fund."

Senator Wehrbein withdrew his amendment.

The Standing Committee amendment, AM2576, found on page 880 and considered in this day's Journal, was renewed.

The Standing Committee amendment, as amended, was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 33 ayes, 5 nays, 9 present and not voting, and 2 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 428. Introduced by Landis, 46.

PURPOSE: The purpose of this study is to examine current safety requirements and to determine whether or not tornado shelters should be required in mobile home parks.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 429. Introduced by Preister, 5.

PURPOSE: Article III, section 24, of the Constitution of Nebraska directs forty-four and one-half percent of state lottery proceeds to the Nebraska Environmental Trust Fund to be distributed as provided in the Nebraska Environmental Trust Act. The Legislature, exercising its oversight function, should study procedures utilized by the Nebraska Environmental Trust. The study shall include, but not be limited to, consideration of the following: (1)

Comparison of Nebraska's environmental grant programs to those of other states; (2) duplication of grant funding by other state agencies; (3) compliance with restrictions contained in section 81-15,176; (4) accountability of grant recipients for funds received from the trust; (5) whether grants have been used primarily for private benefit; and (6) whether funds available for grants exceed the need for funding quality grant proposals.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 430. Introduced by Schrock, 38.

PURPOSE: The purpose of this interim study is to examine conflicts or the potential of conflicts between and among the Livestock Waste Management Act, Title 130 of the Nebraska Department of Environmental Quality Livestock Waste Control Regulations, the Nebraska Environmental Protection Act, and Title 118 of the Nebraska Department of Environmental Quality Groundwater Quality Standards and Use Classifications Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 1226. Title read. Considered.

The Standing Committee amendment, AM2578, printed separately and referred to on page 905, was considered.

Senator Langemeier renewed his pending amendment, AM2633, found on page 935, to the Standing Committee amendment.

The Langemeier amendment lost with 10 ayes, 16 nays, 19 present and not

voting, and 4 excused and not voting.

Senator Langemeier withdrew his pending amendments, AM2632 and AM2648, found on pages 935 and 955.

Senator Beutler withdrew his pending amendment, AM2659, found on page 974.

Senator Beutler asked unanimous consent to withdraw his pending amendment, AM2670, found on page 978, and replace it with his substitute pending amendment, AM2683, found on page 988, to the Standing Committee amendment. No objections. So ordered.

SENATOR BAKER PRESIDING

Senator Beutler moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Baker	Connealy	Landis	Price	Schimek
Beutler	Janssen	Louden	Raikes	Schrock
Chambers	Kruse	Preister	Redfield	Thompson

Voting in the negative, 10:

Cunningham	Fischer	Heidemann	Kremer	Pedersen, Dw.
Erdman	Friend	Hudkins	Langemeier	Stuthman

Present and not voting, 20:

Aguilar	Burling	Flood	Kopplin	Pederson, D.
Bourne	Byars	Foley	McDonald	Stuhr
Brashear	Combs	Jensen	Mines	Synowiecki
Brown	Cornett	Johnson	Pahls	Wehrbein

Excused and not voting, 4:

Cudaback	Engel	Howard	Smith

The Beutler amendment lost with 15 ayes, 10 nays, 20 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Beutler asked unanimous consent to withdraw his pending amendment, AM2672, found on page 978, and replace it with his substitute

amendment, AM2936, to the Standing Committee amendment. No objections. So ordered.

AM2936

(Amendments to Standing Committee amendments, AM2578)

1. Insert the following new section:

Sec. 31. (1) The Department of Natural Resources may establish and collect a contingency deposit as provided in this section. The contingency deposit may be collected commencing in 2009.

(2)(a) The contingency deposit, if required, shall be collected on all taxable irrigated real property located in natural resources districts that have land area subject to a three-state water compact. The contingency deposit shall be collected on a per-acre basis for acres actually irrigated and on municipal water service in such natural resources districts on a per-resident basis in amounts determined by the department under subsection (3) of this section.

(b) The contingency deposit collected on irrigated real property is not a property tax but shall be collected by the county with the property taxes due, and the amount shall be included on the property tax statement provided for in section 77-1701. County assessors and county treasurers shall provide access to property information and assistance to the department for purposes of calculating and collecting the contingency deposit. The department shall provide each county with the parcels of land subject to the contingency deposit the information necessary to include the contingency deposits on property tax statements by October 15. County treasurers shall remit the amounts collected, less a three-percent collection fee, to the State Treasurer for credit to the Compact Contingency Deposit Fund. County treasurers shall have no obligation to take any legal action to enforce collection of the contingency deposit. Such action may be brought by or on behalf of the department. Each county treasurer shall annually provide the department a list of the amounts of contingency deposits uncollected along with the names and addresses of property owners who did not remit the contingency deposit. The county shall not be liable for such uncollected amounts. The contingency deposit shall be due on December 31 of the year of imposition and shall become delinquent on the same dates property taxes become delinquent. County treasurers shall remit the contingency deposits collected to the department within thirty days after collection. Delinquent contingency deposit amounts shall have a penalty of twenty-five percent of the contingency deposit due added to the amount due when payment is made. The department shall have a lien on the land subject to the contingency deposit unless otherwise prohibited by law and the lien shall have the same priority as a special assessment. Notice of such lien shall be filed with the office of the register of deeds of the county where the land is located. The lien may be foreclosed in the manner provided in sections 77-1901

to 77-1917. The remedy provided in this section for collection of delinquent contingency deposits shall be cumulative and in addition to other existing methods.

(c) The contingency deposit collected on municipal water service shall be based on the number of residents in the municipality according to the most recent federal decennial census. Municipalities shall remit contingency deposits to the State Treasurer for credit to the Compact Contingency Deposit Fund by December 31 of the year following imposition. A municipality may impose a surcharge for water service for this purpose.

(3) Upon receipt of a report from the administrative authority of a three-state water compact that determines that the streamflow depletions caused by withdrawal of ground water and use of surface water appropriations in natural resources districts that have land area subject to the compact exceeds the amount of depletion that is permissible for the state to remain in compliance with the compact involved, the department shall notify the affected natural resources districts, irrigation districts, reclamation districts, public power and irrigation districts, mutual irrigation companies, and canal companies. Beginning in 2009, the department shall determine for such natural resources districts whether withdrawals in previous years from water wells and use of surface water appropriations located in the land area subject to the compact caused streamflow depletions in the immediately preceding year that were in excess of the permissible amount of depletion for that district in that year. If those depletions exceeded that permissible amount, the department shall determine a dollar amount that the department concludes would likely be adequate to cover any damages for which the state could be held liable because of noncompliance with the compact to the extent caused by such excess depletion. The department shall set the contingency deposit amounts to recover that dollar amount of damages. The contingency deposit per irrigated acre shall not exceed three dollars. In setting the contingency deposit amounts per irrigated acre and per municipal resident, the department shall estimate the total annual water use for irrigation and municipal purposes in natural resources districts that have land area subject to a three-state water compact and determine the portions of such total use for irrigation purposes and for municipal purposes. Each contingency deposit amount set by the department shall reflect those portions of total use so that the amounts collected on irrigated acres and from municipalities are approximately the same portions of the total use. The department may equitably establish different contingency deposit amounts in natural resources districts to correspond with streamflow depletions among the various natural resources districts that have land area subject to the compact. If the contingency deposit amounts set at the maximum rates permitted in this section would not produce sufficient funds to pay the damage amount determined by the department, the contingency deposit

amounts shall be set at the maximum rates. Natural resources districts, irrigation districts, reclamation districts, public power and irrigation districts, mutual irrigation companies, and canal companies that have land area subject to a three-state water compact shall provide information requested by the department for purposes of administration of the contingency deposits by May 1.

(4) The Compact Contingency Deposit Fund is created. The fund shall be used to make possible future payments to another state required by a three-state water compact and for administrative costs of the Department of Natural Resources incurred under this section. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Investment earnings shall be credited to the fund.

(5) If the streamflow depletions caused by withdrawals from water wells and surface water appropriations in natural resources districts that have land area subject to a three-state water compact in any given year are less than the permissible depletions for those districts, and if, in accordance with the provisions of the compact, the streamflow depletions caused by such withdrawals or appropriations in those districts for any multiyear period that is used to determine compact compliance do not exceed the permissible depletions for those districts during that multiyear period, the department may credit contingency deposits already paid to future contingency deposits or may refund such amounts.

(6) If a person makes a payment of a contingency deposit and claims the deposit was not required because the real property was not actually irrigated, he or she may file a written claim for refund of the payment from the department. If the department finds that the real property was not irrigated in the particular year for which the claim was filed, it shall refund the contingency deposit paid from the fund. The department shall make a decision on the claim within sixty days after the date of filing of the claim. The decision of the department may be appealed in accordance with the Administrative Procedure Act.

2. Correct the operative date section so that the section added by this amendment becomes operative on its effective date with the emergency clause.

3. Renumber the remaining sections and correct internal references accordingly.

SENATOR CUDABACK PRESIDING

The Beutler amendment lost with 2 ayes, 11 nays, 34 present and not voting, and 2 excused and not voting.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 431. Introduced by Preister, 5.

PURPOSE: The purpose of this interim study shall include, but is not limited to, examination of reporting requirements under the Nebraska Political Accountability and Disclosure Act of contributions, expenditures, and services by businesses and organizations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 432. Introduced by Business and Labor Committee: Cunningham, 40; Chairperson; Combs, 32; Kremer, 34; Schimek, 27.

PURPOSE: The purpose of this resolution is to study whether providers of medical services should have standing in the workers' compensation court.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 433. Introduced by Business and Labor Committee: Cunningham, 40; Chairperson; Combs, 32; Kremer, 34; Schimek, 27.

PURPOSE: The purpose of this resolution is to study overpayments made under the Employment Security Law.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 434. Introduced by Business and Labor Committee: Cunningham, 40; Chairperson; Combs, 32; Kremer, 34; Schimek, 27.

PURPOSE: The purpose of this study is to examine specific issues under the Nebraska Workers' Compensation Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 435. Introduced by Business and Labor Committee: Cunningham, 40; Chairperson; Combs, 32; Kremer, 34; Schimek, 27.

PURPOSE: The purpose of this interim study is to study the State Tort Claims Act and the State Miscellaneous Claims Act and the policies, procedures, and authority in processing claims under such acts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee and the Business and Labor Committee of the Legislature shall be designated to jointly conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of the findings, together with the recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 436. Introduced by Business and Labor Committee: Cunningham, 40; Chairperson; Combs, 32; Kremer, 34; Schimek, 27.

PURPOSE: The purpose of this interim study is to examine LB 1218, introduced in 2006, and the effects of the bill if it had passed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 437. Introduced by Schimek, 27.

PURPOSE: The purpose of this study is to examine matters and issues within the jurisdiction of the Government, Military and Veterans Affairs Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 438. Introduced by Dw. Pedersen, 39; Synowiecki, 7.

PURPOSE: The purpose of this study is to examine personnel issues surrounding a proposed merger of the offices of probation and parole administration under the executive branch or under the Supreme Court. The study should include the following:

(1) Evaluation of Supreme Court employees' lack of collective bargaining rights under the State Employees Collective Bargaining Act and possible alternatives to collective bargaining to provide equitable employment rights to Supreme Court employees;

(2) Analysis of Supreme Court employee salaries with similarly situated positions in neighboring states, including a comparative ranking of judges and probation officer salaries to judges and probation officer salaries in nearby states;

(3) Evaluation of the collective bargaining rights granted to parole officers under the State Employees Collective Bargaining Act; and

(4) Evaluation of any potential impact a Supreme Court merger may have on parole officer collective bargaining rights.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 489:
AM2934

(Amendments to AM2344)

1. On page 16, line 3, strike "and"; after line 3 insert:
"(h) A description of all accidents causing personal injury or property damage in excess of one thousand dollars involving conveyances installed, inspected, maintained, or serviced by the applicant; and"; and in line 4 strike "(h)" and insert "(i)".

Senator Price filed the following amendment to LB 962A:
AM2946

(Amendments to Final Reading copy)

1. On page 2, line 3, after "Services" insert "Finance and Support".

GENERAL FILE

LEGISLATIVE BILL 1226. Senator Beutler withdrew his pending amendments, AM2671, AM2673, and AM2667, found on pages 978 and 980.

Senator Kremer renewed the Kremer et al. pending amendment, AM2723, found on page 1064, to the Standing Committee amendment.

Senator Kremer withdrew the Kremer et al. amendment.

The Standing Committee amendment, AM2578, printed separately and referred to on page 905 and considered in this day's Journal, was renewed.

The Standing Committee amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1248A. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1248, Ninety-ninth Legislature, Second Session, 2006.

RESOLUTION

LEGISLATIVE RESOLUTION 439. Introduced by Bourne, 8.

PURPOSE: The purpose of this interim study is to examine the constitutional issues raised by provisions of LB 1249 introduced in the Ninety-ninth Legislature, Second Session, 2006, including:

(1) Does the awarding of exclusive service territories to natural gas providers at retail constitute the granting of a franchise in violation of Article III, section 18, of the Constitution of Nebraska?

(2) Does the awarding of exclusive service territories without compensation to the State of Nebraska constitute the granting of a special or exclusive privilege prohibited by Article III, section 18, of the Constitution of Nebraska?

(3) Does the granting of exclusive service territories without providing a mechanism for revocation, suspension, or lapse, constitute an irrevocable grant of special privileges in violation of Article I, section 16, of the Constitution of Nebraska?

(4) Does the establishment of exclusive service territories prohibit municipalities from enforcing current or future contractual rights, arising from existing franchises, in violation of Article I, section 16, of the Constitution of Nebraska, dealing with impairment of contracts?

(5) Does the forced transfer by the Public Service Commission of property as between public and private utilities without a mechanism to determine value or compensation violation the due process clause of Article I, section 3, of the Constitution of Nebraska?

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee and the Urban Affairs Committee of the Legislature shall be designated to jointly conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of the findings, together with the recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Senator Louden filed the following amendment to LB 1226:
FA646

Amendment to Standing Committee amendments, AM2578

On page 3, line 6, strike section 4.

Senator Schrock filed the following amendment to LB 1226A:
AM2945

1. On page 2, in lines 1, 2, 8, 10, 15, and 16 strike "$5,000,000" and insert "$2,500,000"; and in line 24 strike "$4,912,854" and insert "$2,461,885".

2. On page 3, line 1, strike "$4,917,854" and insert "$2,461,885".

VISITORS

Visitors to the Chamber were Senator Byars' sister-in-law, Judy Fischer, and 17 fourth-grade students from Freeman Public School, Adams; Senator Langemeier's sister, Amy Murrell; and guests of the U.S. State Department from Egypt, Iraq, Jordan, Lebanon, Morocco, The Palestinian Authority, Qatar, Saudi Arabia, Sudan, Syria, and Tunisia.

The Doctor of the Day was Dr. Alonso Osorio from Omaha.

ADJOURNMENT

At 5:37 p.m., on a motion by Senator Heidemann, the Legislature adjourned until 9:00 a.m., Wednesday, March 29, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-FIRST DAY - MARCH 29, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 29, 2006

PRAYER

The prayer was offered by Sister Phyllis Hunhoff, Benedictine Sisters Emmanuel Convent, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Aguilar, Brown, Engel, Landis, Mines, and Price who were excused until they arrive.

SPEAKER BRASHEAR PRESIDING

CORRECTIONS FOR THE JOURNAL

Page 1272, line 27, strike "AM2924" and insert "AM2576".
The Journal for the fiftieth day was approved as corrected.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 312 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 312.

SENATOR CUDABACK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 965A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 990A. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 956A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1226A. Title read. Considered.

Senator Langemeier withdrew his pending amendment, AM2652, found on page 956.

Senator Schrock renewed his pending amendment, AM2945, found on page 1301.

The Schrock amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1227. Title read. Considered.

The Standing Committee amendment, AM2555, found on page 859, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 940. Title read. Considered.

The Standing Committee amendment, AM2411, found on page 819, was considered.

Senator Smith offered the following amendment to the Standing Committee amendment:
FA647

Amendment to AM2411

Strike section 5 starting on page 5.

Senator Smith withdrew his amendment.

Senator Smith requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:
FA648

Sec. 5. (1) The Office of Homeland Security is created. The Governor shall appoint the Director of State Homeland Security.

(2) The purpose of the office is to ensure preparedness by the State of Nebraska in response to terrorist acts. The office shall coordinate efforts regarding domestic security issues with the United States Department of Homeland Security. The Director of State Homeland Security shall serve as the contact between the state and the United States Department of Homeland Security.

(3)(a) The Homeland Security Policy Group is created. The Director of State Homeland Security shall serve as chairperson of the policy group. The policy group is charged with assessing strategic alternatives and recommending broad courses of action for the development of comprehensive strategies. The Governor shall appoint other members of the policy group who shall serve at the will of the Governor. The Executive Board of the Legislative Council shall select one member of the Government, Military and Veterans Affairs Committee and one member of the Appropriations Committee of the Legislature to serve as ex officio nonvoting members of the policy group.

(b) The policy group shall report semiannually to the executive board regarding its activities and the developments in the coordination efforts between the Office of State Homeland Security and the United States Department of Homeland Security. The report shall identify federal funds sent to the state in support of its preparedness activities and indicate the use of federal funds received by the state for homeland security, including specific amounts allocated to any unit of state or local government and the use to which the unit shall apply the funds.

(c) The policy group shall not be subject to the Open Meetings Act or to sections 84-712 to 84-712.09.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The first Standing Committee amendment was adopted with 29 ayes, 2 nays, 15 present and not voting, and 3 excused and not voting.

The second Standing Committee amendment is as follows:
FA649

1. Strike the original sections and insert the following new sections:

Section 1. Section 32-716, Reissue Revised Statutes of Nebraska, is amended to read:

32-716 (1) Any person, group, or association desiring to form a new political party shall present to the Secretary of State petitions containing signatures totaling not less than one percent of the total votes cast for Governor at the most recent general election for such office. The signatures of registered voters on such petitions shall be so distributed as to include registered voters totaling at least one percent of the votes cast for Governor in the most recent gubernatorial election in each of the three congressional districts in this state. Petition signers and petition circulators shall conform to the requirements of sections 32-629 and 32-630. The petitions shall be filed with the Secretary of State no later than February 1 before any statewide primary election for the new political party to be entitled to have ballot position in the primary election of that year. If the new political party desires to be established and have ballot position for the general election and not in the primary election of that year, the petitions shall be filed with the Secretary of State on or before August 1 of that year. Prior to the circulation of petitions to form a new political party, a sample copy of the petitions shall be filed with the Secretary of State by the person, group, or association seeking to establish the new party. The sample petition shall be accompanied by the name and address of the person or the names and addresses of the members of the group or association sponsoring the petition to form a new political party.

(2) The petition shall conform to the requirements of section 32-628. The Secretary of State shall prescribe the form of the petition for the formation of a new political party. The petition shall be addressed to and filed with the Secretary of State and shall state its purpose and the name of the party to be formed. Such name shall not be or include ~~, but~~ the name of any political party then in existence or any word forming any part of the name of any political party then in existence, and in order to avoid confusion regarding party affiliation of a candidate or registered voter, the name of the party to be formed shall not include the word "independent" or "nonpartisan". ~~shall not be adopted.~~ The petition shall contain a statement substantially as follows:

We, the undersigned registered voters of the State of Nebraska and the county of ....., being severally qualified to sign this petition, respectfully request that the above-named new political party be formed in the State of Nebraska, and each for himself or herself says: I have personally signed this petition on the date opposite my name; I am a registered voter of the State of Nebraska and county of ..... and am qualified to sign this petition; and my date of birth and city, village, or post office address and my street and number or voting precinct are correctly written after my name.

Sec. 2. Section 32-1524, Reissue Revised Statutes of Nebraska, is amended to read:

32-1524 (1) No judge or clerk of election or precinct or district inspector shall do any electioneering ~~on election day~~ while acting as an election official.

(2) No person shall do any electioneering, circulate petitions, or perform any action that involves solicitation ~~on election day~~ within any polling place~~,~~ or any building ~~in which an election is being held,~~ designated for voters to cast ballots by the election commissioner or county clerk pursuant to the Election Act while the polling place or building is set up for voters to cast ballots or within two hundred feet of any such polling place or building. Any person violating this section shall be guilty of a Class V misdemeanor.

Sec. 3. Section 49-1434, Reissue Revised Statutes of Nebraska, is amended to read:

49-1434 (1) Principal ~~shall mean~~ means a person who authorizes a lobbyist to lobby in behalf of that principal.

(2) Lobbyist ~~shall mean~~ means a person who is authorized to lobby on behalf of a principal and ~~shall include~~ includes an officer, agent, attorney, or employee of the principal whose regular duties include lobbying.

(3) Principal or lobbyist ~~shall~~ does not include:

(a) A public official or employee of a branch of state government, except the University of Nebraska, or an elected official of a political subdivision who is acting in the course or scope of his or her office or employment;

(b) Any publisher, owner, or working member of the press, radio, or television while disseminating news or editorial comment to the general public in the ordinary course of business;

(c) An employee of a principal or lobbyist whose duties are confined to typing, filing, and other types of clerical office work;

(d) Any person who limits his or her activities (i) to appearances before legislative committees and who so advises the committee at the time of his or her appearance whom he or she represents or that he or she appears at the invitation of a named member of the Legislature or at the direction of the Governor or (ii) to writing letters or furnishing written material to individual members of the Legislature or to the committees thereof; ~~who furnishes to the Clerk of the Legislature a copy of such letter or written material for public inspection;~~

(e) Any individual who does not engage in lobbying for another person as defined in section 49-1438; or

(f) An employee of a political subdivision whose regular employment duties do not ordinarily include lobbying activities as long as such employee is not additionally compensated for such lobbying activities, other than his or her regular salary, and is not reimbursed for any lobbying expenditures except his or her travel, lodging, and meal expenses and the meal expenses for members of the Legislature.

Sec. 4. The Secretary of State shall not be a member or officer of a committee as defined in section 49-1413 other than a committee formed for his or her own candidacy.

Sec. 6. Original sections 32-716, 32-1524, and 49-1434, Reissue Revised Statutes of Nebraska, are repealed.

The second Standing Committee amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 997A. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 997, Ninety-ninth Legislature, Second Session, 2006.

GENERAL FILE

LEGISLATIVE BILL 489. Title read. Considered.

Senator Synowiecki withdrew his pending amendment, AM1006, printed separately and referred to on page 1055, First Session, 2005.

Senator Synowiecki renewed his pending amendment, AM2344, printed separately and referred to on page 877.

Senator Beutler renewed his pending amendment, AM2934, found on page 1299, to the Synowiecki pending amendment.

SPEAKER BRASHEAR PRESIDING

Pending.

CEREMONIES

The Speaker introduced a group from the Nebraska Association of Former State Legislators.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bills were correctly reengrossed: LBs 75 and 876.

Correctly Engrossed

The following bills were correctly engrossed: LBs 915 and 968.

ER9093

Enrollment and Review Change to LB 876

(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Mines-Brashear-Landis amendment, AM2736:

a. On page 25, line 11, "(3)" has been struck; and in line 12 "subsection" has been struck and "subdivision" inserted; and

b. On page 57, line 24, "8-1122.01" has been struck and "8-1111" inserted.

2. On page 2, line 9, "banker's" has been struck and "bankers" inserted.

3. On page 25, line 25; page 26, lines 17 and 20; and page 27, lines 7, 11, and 14, all occurrences of "banker's" have been struck, shown as stricken, and "bankers" inserted.

4. On page 27, lines 9, 12, 13, 15, and 16, all occurrences of "banker's" have been struck and "bankers" inserted.

(Signed) Michael Flood, Chairperson

VISITORS

Visitors to the Chamber were 19 fourth-grade students and teacher from St. Joan of Arc Elementary School, Omaha; 40 fourth-grade students and teachers from Crete; 22 twelfth-grade students and teachers from Lawrence and Nelson; Senator Mines' wife, Katie, from Blair and Audrey and Keith Berns from Bladen; Chris Arispe, Jordan Mach, and Laura Driewer from Fullerton; 44 fourth-grade students, sponsors, and teachers from Crete; Ashley Elrod from Omaha and Sara Elrod from Grand Island; 33 fourth- and fifth-grade students, sponsors, and teachers from Riverdale, Odessa, Stone, and Pleasanthill Schools; and members of Norfolk Youth Leadership Council.

RECESS

At 11:51 a.m., on a motion by Senator Johnson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Brown, Byars, Cornett, Engel, Landis, Price, and Thompson who were excused until they arrive.

AMENDMENT - Print in Journal

Senator Erdman filed the following amendment to LB 821:
AM2953

(Amendments to Standing Committee amendments, AM2314)

1. Strike amendment 1 and insert the following new amendment:

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. An exempt student shall be eligible to enroll pursuant to section 2 of this act as a part-time student in a public school operated in the student's school district of residence or in an option school district as provided in the enrollment option program established under sections 79-232 to 79-246. For purposes of sections 1 to 4 of this act, exempt student means a student enrolled in a school which elects not to meet state accreditation or approval requirements pursuant to section 79-1601.

Sec. 2. Each school board shall, not later than August 1, 2006, adopt policies and procedures that allow the part-time enrollment of exempt students.

Sec. 3. Such policies and procedures may require exempt students enrolled part-time to follow other school policies that apply to students at any time the exempt student is present on school grounds or at a school-sponsored activity or athletic event.

Sec. 4. Part-time enrollment shall not entitle a student to transportation or transportation reimbursements pursuant to section 79-611.

GENERAL FILE

LEGISLATIVE BILL 925. Title read. Considered.

The Standing Committee amendment, AM2604, printed separately and referred to on page 1017, was considered.

Senator Hudkins renewed her pending amendment, AM2774, found on page 1116, to the Standing Committee amendment.

The Hudkins amendment was adopted with 37 ayes, 0 nays, 9 present and

not voting, and 3 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE RESOLUTION 259CA. Placed on Select File.

LEGISLATIVE BILL 1222. Placed on Select File as amended.
E & R amendment to LB 1222:
AM7200

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 86-442, Revised Statutes Cumulative Supplement, 2004, is amended to read:

86-442 Sections 86-442 to 86-470 and sections 3, 4, and 11 of this act shall be known and may be cited as the Enhanced Wireless 911 Services Act.

Sec. 2. Section 86-443, Revised Statutes Cumulative Supplement, 2004, is amended to read:

86-443 For purposes of the Enhanced Wireless 911 Services Act, the definitions found in sections 86-444 to 86-456 and sections 3 and 4 of this act apply.

Sec. 3. Active, prepaid account means an account which has a positive balance at the end of the monthly billing period or calendar month or has a positive balance greater than or equal to the surcharge amount, as determined by the wireless carrier.

Sec. 4. Prepaid customer means a wireless carrier customer who pays in full prospectively for the service and is assigned a Nebraska telephone number or a wireless carrier customer whose primary place of use is in Nebraska.

Sec. 5. Section 86-456, Revised Statutes Cumulative Supplement, 2004, is amended to read:

86-456 Wireless carrier means (1) any carrier of ~~commercial mobile radio service as referenced in 47 U.S.C. 153(27) and 332(d), as such sections existed on January 1, 2002, and 47 C.F.R. 20.18, as such regulation existed on January 1, 2002, or (2) any cellular licensee, personal communications licensee, and specialized mobile radio carrier defined in 47 C.F.R. 20.18, as such regulation existed on January 1, 2002~~ mobile service as referenced in 47 U.S.C. 153(27), as such section existed on January 1, 2006, (2) any carrier of commercial mobile service as referenced in 47 U.S.C. 332(d)(1), as such section existed on January 1, 2006, (3) any carrier of commercial mobile radio service as referenced in

47 C.F.R. 20.9, as such regulation existed on January 1, 2006, or (4) any cellular radiotelephone service, licensees of a personal communications service, and specialized mobile radio services as referenced in 47 C.F.R. 20.9, as such regulation existed on January 1, 2006.

Sec. 6. Section 86-457, Revised Statutes Cumulative Supplement, 2004, is amended to read:

86-457 (1) Each wireless carrier who has a ~~subscriber with a billing address in~~ customer, other than a prepaid customer or a customer in a county containing a city of the metropolitan class, whose primary place of use is in Nebraska, shall collect a surcharge of ~~not more than fifty cents~~ up to seventy cents per month per access line. Each wireless carrier who has a customer in a county containing a city of the metropolitan class shall collect a surcharge of not more than fifty cents. The wireless carrier shall add the surcharge to each ~~subscriber's~~ customer's billing statement. The wireless carrier is not liable for any surcharge not paid by a ~~subscriber~~ customer and is not obligated to take legal action to collect the surcharge. The surcharge shall appear as a separate line-item charge on the ~~subscriber's~~ customer's billing statement and shall be labeled as "Enhanced Wireless 911 Surcharge" or a reasonable abbreviation of such phrase. The commission may take any legal action as it deems necessary to collect unpaid surcharges in its own name, as a real party in interest, or by assigning such debt for collection to a third party.

(2) If a wireless carrier resells its services through other entities, each reseller shall collect the surcharge from its subscribers and shall remit the surcharge in accordance with section 86-459.

(3) Beginning on July 1, 2007, each wireless carrier who has a prepaid customer shall remit a surcharge from each prepaid customer in the amount established in subsection (1) of this section. A wireless carrier may collect such surcharge from prepaid customers using one of the following methods:

(a) The wireless carrier shall divide the total earned prepaid wireless telephone revenue received by the wireless carrier within the monthly reporting period by fifty dollars and multiply the quotient by the surcharge amount;

(b) The wireless carrier shall collect on a monthly basis the surcharge from each customer's active, prepaid account. A customer with two or more active, prepaid accounts shall be assessed a separate surcharge for each active, prepaid account; or

(c) A wireless carrier shall remit the surcharge upon the activation of the active, prepaid account and upon each replenishment of additional minutes purchased by the prepaid customer.

Sec. 7. Section 86-459, Revised Statutes Cumulative Supplement, 2004, is amended to read:

86-459 (1) Each wireless carrier shall remit monthly to

the commission the amount of surcharge collected together with any forms required by the commission no later than sixty days after the last day of the month. The commission shall remit the funds to the State Treasurer for credit to the Enhanced Wireless 911 Fund.

(2) As the commission may require, each ~~The~~ wireless carrier shall report to the commission on a quarterly basis the following information: (a) The ~~the~~ number of wireless lines, including prepaid customers, served ~~and~~ by county; (b) the number of wireless lines, including active, prepaid accounts, from which it has collected surcharge revenue by county; (c) the number of wireless towers by county; and (d) the current implementation status of enhanced wireless 911 service in each county served by that wireless carrier.

(3) The wireless carrier shall maintain surcharge and remittance records for a period of two years after the date of ~~the subscriber's billing statement. The commission shall remit the funds to the State Treasurer for credit to the Enhanced Wireless 911 Fund~~ remittance to the fund. The commission may at its own expense require an audit of any wireless carrier's books and records concerning the collection and remittance of the surcharge pursuant to the Enhanced Wireless 911 Services Act.

(4) Each wireless carrier shall comply with all commission rules and regulations regarding enhanced wireless 911 service.

(5) Each wireless carrier shall comply with this section regardless of whether the wireless carrier receives reimbursement from the fund. Wireless carriers failing to comply with this section may be administratively fined by the commission pursuant to section 75-156.

Sec. 8. Section 86-463, Revised Statutes Cumulative Supplement, 2004, is amended to read:

86-463 The Enhanced Wireless 911 Fund is created. The fund shall consist of the surcharges credited to the fund, any money appropriated by the Legislature, any federal funds received for wireless emergency communication, and any other funds designated for credit to the fund. Money in the fund shall be used for the costs of administering the fund and the purposes specified in section 86-465 unless otherwise directed by federal law with respect to any federal funds. The costs of administering the fund shall be kept to a minimum. ~~Until July 1, 2004, the~~ The money in the fund shall not be subject to any fiscal-year limitation or lapse provision of unexpended balance at the end of any fiscal year or biennium. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 9. Section 86-465, Revised Statutes Cumulative Supplement, 2004, is amended to read:

86-465 (1) The commission shall, in consultation with the

advisory board:

(a) Determine the costs to implement wireless automatic location identification;

(b) Determine the level of funding needed to trigger disbursements pursuant to the Enhanced Wireless 911 Services Act;

(c) Determine the percentage of the fund to be allocated to each funding purpose, including the percentage that shall be designated for funding 911 service under subdivision (2)(c) of this section; ~~and~~

(d) Determine how the funds distributed under subdivisions (2)(a) and (2)(c) of this section are to be allocated among the wireless carriers and the public safety answering points; and ~~.~~

(e) Establish a mechanism for determining the level of funding available to each public safety answering point and wireless carrier for costs determined to be eligible by the commission under subsection (2) of this section.

(2) The commission shall, in consultation with the advisory board, establish eligibility standards and criteria for fund disbursement applications and standards and criteria concerning the level of fund disbursement for each application. In establishing such criteria and standards, the following purposes ~~shall~~ may be eligible for funding:

(a) Costs incurred or to be incurred by wireless carriers to implement enhanced wireless 911 service pursuant to a service agreement with a public safety answering point or pursuant to a request for service from a public safety answering point. Such costs ~~shall~~ may include, but not be limited to, the portion of the costs for new equipment used for providing enhanced wireless 911 service, costs to lease another vendor's equipment or services to provide enhanced wireless 911 service, costs to create or maintain any data base or data base elements used solely for enhanced wireless 911 service, and other costs of establishing enhanced wireless 911 service. The portion of the costs of equipment or services used in the wireless carrier's main infrastructure resulting in revenue to the wireless carrier is not eligible for funding;

(b) Costs incurred or to be incurred by public safety answering points to implement enhanced wireless 911 service~~,~~ ~~including~~ may include, but not be limited to, purchases of new equipment, costs of upgrades, modification and personnel training used solely to process the data elements of enhanced wireless 911 service, and maintenance costs and license fees for new equipment;

(c) Costs incurred or to be incurred by public safety answering points for the purchase, installation, maintenance, and operation of telecommunications equipment and telecommunications services required for the provision of enhanced wireless 911 service; and

(d) Expenses incurred by members of the advisory board

while performing duties required by the act.

(3) The commission shall have any powers necessary to carry out the intent and purposes of the act.

Sec. 10. Section 86-466, Revised Statutes Cumulative Supplement, 2004, is amended to read:

86-466 (1) A public safety answering point and wireless carrier ~~shall~~ may be compensated for costs determined by the commission to be eligible for funding. The level of funding available to each public safety answering point and wireless carrier for eligible cost compensation may be limited based upon the mechanism established by the commission pursuant to section 86-465. The commission is not required to provide compensation for costs to more than one public safety answering point in any county. A public safety answering point or wireless carrier may apply for disbursement from the Enhanced Wireless 911 Fund by submitting a written application to the commission. The commission shall receive and review applications, including supporting documentation. The commission shall notify each applicant as to the commission's approval or disapproval of the application.

(2) Each entity that receives disbursements from the fund shall make a full accounting of the money in a manner and form prescribed by the commission.

Sec. 11. If any county does not have enhanced wireless 911 service, the commission may designate a public safety answering point that has enhanced wireless 911 service to receive wireless 911 service calls and directly dispatch or relay calls to the appropriate emergency services provider until the county has implemented enhanced wireless 911 service.

Sec. 12. Original sections 86-442, 86-443, 86-456, 86-457, 86-459, 86-463, 86-465, and 86-466, Revised Statutes Cumulative Supplement, 2004, are repealed.

Sec. 13. Since an emergency exists, this act takes effect when passed and approved according to law.

2. On page 1, strike beginning with "telecommunications" in line 1 through line 10 and insert "the Enhanced Wireless 911 Services Act; to amend sections 86-442, 86-443, 86-456, 86-457, 86-459, 86-463, 86-465, and 86-466, Revised Statutes Cumulative Supplement, 2004; to define and redefine terms; to adopt and change provisions relating to surcharges and public safety answering points; to provide duties for the Public Service Commission; to harmonize provisions; to repeal the original sections; and to".

LEGISLATIVE BILL 898. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: LBs 746A, 872A, 968A, and 990.

ER9095

Enrollment and Review Change to LB 746A

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 3, "; and to reduce appropriations" has been inserted after "2006".

ER9094

Enrollment and Review Change to LB 990

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Kremer-Wehrbein amendment, AM2853:

a. Sections 2 to 10 have been renumbered as sections 8 to 16, respectively;

b. On page 2, line 11; and page 6, line 14, "6" has been struck and "12" inserted;

c. On page 3, line 18, "6 and 10" has been struck and "12 and 16" inserted;

d. On page 10, line 19, "(1)" has been inserted before "The"; and

e. On page 11, line 6, "or livestock producer" has been inserted after "farmer"; and in line 24 the comma has been struck.

2. In the E & R amendments, AM7194, on page 11, line 26, "and 77-27,189" has been struck and ", 77-27,189, 77-5201, 77-5203, 77-5208, 77-5209, 77-5211, 77-5212, and 77-5213" inserted; and in line 27 "77-2715.07," has been inserted after "sections".

3. On page 1, the matter beginning with "the" in line 1 through line 8 has been struck and "revenue and taxation; to amend sections 77-27,188.02, 77-27,189, 77-5201, 77-5203, 77-5208, 77-5209, 77-5211, 77-5212, and 77-5213, Reissue Revised Statutes of Nebraska, and sections 77-2715.07, 77-27,187.01, 77-27,187.02, 77-27,188, and 77-27,195, Revised Statutes Supplement, 2005; to change provisions of the Nebraska Advantage Rural Development Act and the Beginning Farmer Tax Credit Act; to provide tax credits relating to agriculture; to harmonize provisions; and to repeal the original sections." inserted.

(Signed) Michael Flood, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 440. Introduced by Howard, 9.

WHEREAS, Mr. Frank LaMere, an enrolled member of the Winnebago Tribe from South Sioux City, Nebraska, remains a tireless social and political activist for the rights of Native American people; and

WHEREAS, Mr. LaMere has long been involved in efforts to encourage and empower Native American people to take their place in the political process and exercise their right to vote; and

WHEREAS, Mr. LaMere was nicknamed the Grandfather of the White Clay issue when he first brought concerns about the conflicts between native

people and community members in the area to the public's attention in 1997; and

WHEREAS, Mr. LaMere established the Four Directions Committees in states where the Native American vote was key in 2002 and played a key roll in the Native Vote Project in South Dakota in 2004; and

WHEREAS, Mr. LaMere has led Native American delegations to the last five Democratic national conventions; and

WHEREAS, Mr. LaMere continues to advocate for protection of Native American burial sites and sacred lands in Nebraska; and

WHEREAS, Mr. LaMere continues to work to strengthen enforcement of the Indian Child Welfare Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature recognizes and honors the achievements of Frank LaMere.

2. That the Clerk of the Legislature send a copy of this resolution to Mr. LaMere.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 554. Title read. Considered.

The Standing Committee amendment, AM0670, found on page 803, First Session, 2005, was considered.

Senator Beutler offered the following amendment to the Standing Committee amendment:

AM2516

(Amendments to Standing Committee amendments, AM0670)

1. On page 1, strike the new matter in lines 8 through 15 and insert:

"(a) Five dollars and fifteen cents per hour through September 30, 2006;

(b) Five dollars and fifty-nine cents per hour on and after October 1, 2006, through September 30, 2007;

(c) Six dollars and two cents on and after October 1, 2007, through September 30, 2008; and

(d) Six dollars and forty-six cents per hour on and after October 1, 2008.".

2. On page 2, strike lines 24 through 27 and insert:

"(a) Four dollars and twenty-five cents per hour through September 30, 2006;

(b) Four dollars and sixty-one cents per hour on and after October 1, 2006, through September 30, 2007;

(c) Four dollars and ninety-seven cents per hour on and after October 1, 2007, through September 30, 2008; and

(d) Five dollars and thirty-three cents per hour on and

after October 1, 2008.".

3. On page 3, strike lines 1 through 4.

Senator Dw. Pedersen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Senator Beutler moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Aguilar	Chambers	Howard	Pahls	Raikes
Beutler	Combs	Kopplin	Pedersen, Dw.	Schimek
Bourne	Connealy	Kruse	Pederson, D.	Synowiecki
Brown	Cornett	Landis	Preister	Thompson
Byars	Cudaback	Louden	Price	Wehrbein

Voting in the negative, 3:

Cunningham	Erdman	Flood

Present and not voting, 20:

Baker	Fischer	Janssen	Langemeier	Schrock
Brashear	Foley	Jensen	McDonald	Smith
Burling	Friend	Johnson	Mines	Stuhr
Engel	Hudkins	Kremer	Redfield	Stuthman

Excused and not voting, 1:

Heidemann

The Beutler amendment was adopted with 25 ayes, 3 nays, 20 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Cunningham offered the following amendment to the Standing Committee amendment:

AM2970

(Amendments to Standing Committee amendments, AM0670)

1. On page 1, lines 9 and 11, strike "2005" and insert "2006"; in lines 11 and 13 strike "2006" and insert "2007"; and in lines 13 and 15 strike "2007" and insert "2008".

2. On page 2, lines 25 and 27, strike "2005" and insert "2006"; and in line 27 strike "2006" and insert "2007".

3. On page 3, line 2, strike "2006" and insert "2007";
and in lines 2 and 4 strike "2007" and insert "2008".

SENATOR BAKER PRESIDING

Senator Cunningham withdrew his amendment.

Senator Mines moved the previous question. The question is, "Shall the debate now close?"

Senator Mines moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The motion to cease debate prevailed with 25 ayes, 3 nays, 15 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

SENATOR CUDABACK PRESIDING

Senator Beutler moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Cunningham requested a roll call vote on the Standing Committee amendment, as amended.

Voting in the affirmative, 25:

Aguilar	Chambers	Howard	Pahls	Redfield
Beutler	Connealy	Kopplin	Pederson, D.	Schimek
Bourne	Cornett	Kruse	Preister	Synowiecki
Brown	Cudaback	Landis	Price	Thompson
Byars	Foley	Louden	Raikes	Wehrbein

Voting in the negative, 7:

Burling	Erdman	Friend	Smith
Cunningham	Flood	Mines	

Present and not voting, 11:

Baker	Heidemann	Jensen	Stuhr
Brashear	Hudkins	Johnson	Stuthman
Fischer	Janssen	Schrock	

Excused and not voting, 6:

Combs	Kremer	McDonald
Engel	Langemeier	Pedersen, Dw.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 7 nays, 11 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

LEGISLATIVE BILL 1256. Title read. Considered.

The Standing Committee amendment, AM2927, printed separately and referred to on page 1235, was considered.

Senator D. Pederson offered the following amendment to the Standing Committee amendment:
AM2974
(Amendments to Standing Committee amendments, AM2927)
1. On page 16, line 3, strike "(a)"; and strike beginning with "and" in line 6 through "Legislature" in line 8.

SENATOR BAKER PRESIDING

Senator Thompson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

The D. Pederson amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

SENATOR CUDABACK PRESIDING

Pending.

NOTICE OF COMMITTEE HEARING
Education
Room 1525

Monday, April 3, 2006 (cancel) 9:00 a.m.
Steven E. Titus - Nebraska Educational Telecommunications Commission

Monday, April 10, 2006 (reschedule) 9:30 a.m.
Steven E. Titus - Nebraska Educational Telecommunications Commission

(Signed) Ron Raikes, Chairperson

AMENDMENTS - Print in Journal

Senator Schrock filed the following amendment to LB 1226A:
AM2973

(Amendments to AM2945)

1. On page 1, line 5, strike "$2,461,885" and insert "$2,412,854".

Senator Beutler filed the following amendment to LB 57:
AM2972

(Amendments to Final Reading copy)

1. On page 2, lines 12, 17, and 23, after "she" insert ", knowing of the mother's pregnancy,"; and in lines 13, 18, and 24 strike "an" and insert "her".

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1107. Placed on Select File as amended.
E & R amendment to LB 1107:
AM7201

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. (1) An approved or accredited public, private, denominational, or parochial school shall allow a student with diabetes to self-manage his or her diabetic condition upon written request of the student's parent or guardian and authorization of the student's physician, upon receipt of a signed statement under subsection (5) of this section, and pursuant to a diabetes medical management plan developed under subsection (2) of this section.

(2) Upon receipt of a written request and authorization under subsection (1) of this section, the school and the parent or guardian, in consultation with the student's physician, shall develop a diabetes medical management plan for the student for the current school year. The plan shall (a) identify the health care services the student may receive at school relating to such condition, (b) evaluate the student's understanding of and ability to self-manage his or her diabetic condition, (c) permit regular monitoring of the student's self-management of his or her diabetic condition by an appropriately credentialed health care professional, and (d) be signed by the student's parent or guardian and the physician responsible for treatment of the student's diabetic condition. The school may consult with a registered nurse or other health care professional employed by such school during development of the plan. The plan and the signed statement required by subsection (5) of this section shall be kept on file at the school where the student is enrolled.

(3) Pursuant to the diabetes medical management plan developed under subsection (2) of this section, a student with a

diabetic condition shall be permitted to self-manage his or her diabetic condition in the classroom or any part of the school or on school grounds during any school-related activity or in any private location specified in the plan.

(4)(a) A school may prohibit a student from possessing the necessary medical supplies to self-manage his or her diabetic condition or place other necessary and appropriate restrictions or conditions on the student's self-management of his or her diabetic condition if the school determines that the student has endangered himself, herself, or others through the misuse or threatened misuse of such medical supplies. The school shall promptly notify the parent or guardian of any prohibition, restriction, or condition imposed.

(b) If a student for whom a diabetes medical management plan has been developed under this section injures school personnel or another student as the result of the misuse of necessary diabetic medical supplies, the parent or guardian of the student for whom such plan has been developed shall be responsible for any and all costs associated with such injury.

(5) The parent or guardian of a student for whom a diabetes medical management plan has been developed under this section shall sign a statement acknowledging that (a) the school and its employees and agents are not liable for any injury or death arising from a student's self-management of his or her diabetic condition and (b) the parent or guardian shall indemnify and hold harmless the school and its employees and agents against a claim arising from a student's self-management of his or her diabetic condition.

LEGISLATIVE BILL 1148. Placed on Select File as amended.
E & R amendment to LB 1148:
AM7202

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. (1) An approved or accredited public, private, denominational, or parochial school shall allow a student with asthma or anaphylaxis to self-manage his or her asthma or anaphylaxis condition upon written request of the student's parent or guardian and authorization of the student's physician, upon receipt of a signed statement under subsection (5) of this section, and pursuant to an asthma or anaphylaxis medical management plan developed under subsection (2) of this section.

(2) Upon receipt of a written request and authorization under subsection (1) of this section, the school and the parent or guardian, in consultation with the student's physician, shall develop an asthma or anaphylaxis medical management plan for the student for the current school year. Such plan shall (a) identify the health care services the student may receive at school relating to such condition, (b) evaluate the student's understanding of and

ability to self-manage his or her asthma or anaphylaxis condition, (c) permit regular monitoring of the student's self-management of his or her asthma or anaphylaxis condition by an appropriately credentialed health care professional, (d) include the name, purpose, and dosage of the prescription asthma or anaphylaxis medication prescribed for such student, (e) include procedures for storage and access to backup supplies of such prescription asthma or anaphylaxis medication, and (f) be signed by the student's parent or guardian and the physician responsible for treatment of the student's asthma or anaphylaxis condition. The school may consult with a registered nurse or other health care professional employed by such school during development of the plan. The plan and the signed statement required by subsection (5) of this section shall be kept on file at the school where the student is enrolled.

(3) Pursuant to the asthma or anaphylaxis medical management plan developed under subsection (2) of this section, a student with asthma or anaphylaxis shall be permitted to self-manage his or her asthma or anaphylaxis condition in the classroom or any part of the school or on school grounds, during any school-related activity, or in any private location specified in the plan. The student for whom an asthma or anaphylaxis medical management plan has been developed under this section shall promptly notify the school nurse, such nurse's designee, or another designated adult at the school when such student has self-administered prescription asthma or anaphylaxis medication pursuant to such plan.

(4)(a) If a student for whom an asthma or anaphylaxis medical management plan has been developed under this section uses his or her prescription asthma or anaphylaxis medication other than as prescribed, he or she may be subject to disciplinary action by the school, except that such disciplinary action shall not include a limitation or restriction on the student's access to such medication. The school shall promptly notify the parent or guardian of any disciplinary action imposed.

(b) If a student for whom an asthma or anaphylaxis medical management plan has been developed under this section injures school personnel or another student as the result of the misuse of necessary asthma or anaphylaxis medical supplies, the parent or guardian of the student for whom such plan has been developed shall be responsible for any and all costs associated with such injury.

(5) The parent or guardian of a student for whom an asthma or anaphylaxis medical management plan has been developed under this section shall sign a statement acknowledging that (a) the school and its employees and agents are not liable for any injury or death arising from a student's self-management of his or her asthma or anaphylaxis condition and (b) the parent or guardian shall indemnify and hold harmless the school and its employees and agents against any claim arising from a student's self-management

of his or her asthma or anaphylaxis condition.

Sec. 2. Section 25-21,280, Revised Statutes Supplement, 2005, is amended to read:

25-21,280 (1) Any person employed by a school approved or accredited by the State Department of Education, employed by an educational service unit and working in a school approved or accredited by the department, or employed by an early childhood education program approved by the department who serves as a school nurse or medication aide or who has been designated and trained by the school, educational service unit, or program as a nonmedical staff person to implement the emergency response to life-threatening asthma or systemic allergic reactions protocols adopted by the school, educational service unit, or program shall be immune from civil liability for any act or omission in rendering emergency care for a person experiencing a potentially life-threatening asthma or allergic reaction event on school grounds, in a vehicle being used for school purposes, in a vehicle being used for educational service unit purposes, at a school-sponsored activity or athletic event, at a facility used by the early childhood education program, in a vehicle being used for early childhood education program purposes, or at an activity sponsored by the early childhood education program which results in damage or injury unless such damage or injury was caused by the willful or wanton act or omission of such employee.

(2) The individual immunity granted by subsection (1) of this section shall not extend to the school district, educational service unit, or early childhood education program and shall not extend to any act or omission of such employee which results in damage or injury if the damage or injury is caused by such employee while impaired by alcohol or any controlled substance enumerated in section 28-405.

(3) Any school nurse, such nurse's designee, or other designated adult described in section 1 of this act shall be immune from civil liability for any act or omission described in such section which results in damage or injury unless such damage or injury was caused by the willful or wanton act or omission of such school nurse, nurse's designee, or designated adult.

Sec. 3. Original section 25-21,280, Revised Statutes Supplement, 2005, is repealed.

2. On page 1, strike beginning with "state" in line 2 through "to" in line 3; and in line 5 after the semicolon insert "to provide immunity;".

LEGISLATIVE BILL 1038. Placed on Select File as amended.
E & R amendment to LB 1038:
AM7203

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. (1) As a condition of approval, a lease or

agreement the purpose of which is to allow an entity other than a state agency to provide improvements or structures in excess of one hundred fifty thousand dollars on the Nebraska State Fairgrounds property shall be reviewed by the state building division and the Task Force for Building Renewal pursuant to sections 81-176, 81-1108.15, and 81-1114. Such review shall include review of the lease, agreement, plans, specifications, other construction or repair documents, potential maintenance requirements, all financing plans, and any other document deemed necessary by the state building division or Task Force for Building Renewal as a requirement for approval of such lease or agreement. Subsequent to such review, the state building division and the task force shall submit a report to the Nebraska State Fair Board, the Governor, the Committee on Building Maintenance of the Legislature, and the Legislative Fiscal Analyst, including a summary of the review, an outline of the terms and conditions of the proposed lease or agreement, and a recommendation for approval or disapproval of the lease or agreement. Such proposed lease or agreement shall be approved by the Nebraska State Fair Board, the Governor, and the Legislature prior to execution. If the Legislature is not in session, the Executive Board of the Legislative Council shall act for the Legislature.

(2) No construction or other work related to proposed improvements or structures requiring approval under this section shall be initiated prior to receiving such approval. This section shall not apply to a lease or agreement executed prior to the effective date of this act. This section shall apply to an amendment of a lease or an agreement if the amendment is executed after the effective date of this act and the amendment includes improvements or structures in excess of one hundred fifty thousand dollars.

Sec. 2. Section 81-1108.33, Reissue Revised Statutes of Nebraska, is amended to read:

81-1108.33 (1) It is the intent of the Legislature that the state will not assume responsibility for the substandard construction, repair, or maintenance of, or for the excessive maintenance or repair costs for, real property, structures, or improvements which will be made available by gift, bequest, or devise to any state agency, board, or commission. Therefor, prior to any construction, repair, or maintenance work on such real property, structure, or improvement, the state building division and the Task Force for Building Renewal shall review the plans, specifications, other construction or repair documents, and potential maintenance requirements as a requirement for acceptance by the state of such real property, structure, or improvement.

(2)(a) Any gift of, bequest of, or devise of (i) real property, (ii) a structure, or (iii) an improvement proposed to be made available to any state agency, board, or commission shall be reviewed by the state building division and the Task Force

for Building Renewal pursuant to sections 81-176, 81-1108.15, and 81-1114. Such review shall include any potential matching of state funds, any plans, specifications, and other construction or repair documents reviewed pursuant to subsection (1) of this section, and any potential maintenance requirements as a condition of acceptance. Subsequent to such review, the state building division and the task force shall submit a report to the Governor, the Committee on Building Maintenance, and the Legislative Fiscal Analyst including a summary of the review of the plans, specifications, and other construction or repair documents and potential maintenance requirements and outlining the terms and conditions of the proposed gift, bequest, or devise along with its recommendation.

(b) Any proposed gift of, bequest of, or devise of (i) real property, (ii) a structure, or (iii) an improvement in excess of ten thousand dollars shall be approved by the Governor and the Legislature prior to acceptance. If the Legislature is not in session, the Executive Board of the Legislative Council, after recommendation by the Committee on Building Maintenance, may approve such gift, bequest, or devise along with the Governor.

(c) No construction or other work related to the proposed gift, bequest, or devise shall be initiated prior to receiving the approval required by this section.

(3) For purposes of this section, gift of, bequest of, or devise of (a) real property, (b) a structure, or (c) an improvement shall include, but not be limited to, a donation of, gift of, bequest of, devise of, or grant of (i) real property, (ii) a structure, or (iii) an improvement from an individual, an organization, a corporation, a foundation, or a similar entity or from a nonfederal governmental agency. For purposes of this section, gift, bequest, or devise shall not include a donation, gift, bequest, devise, or grant of tangible or intangible personal property.

(4) This section shall not apply to (a) the University of Nebraska or any Nebraska state college, since these agencies are subject to and participate in statewide facilities planning developed by the Coordinating Commission for Postsecondary Education pursuant to the Coordinating Commission for Postsecondary Education Act or (b) improvements or structures on Nebraska State Fairgrounds property reviewed and approved pursuant to section 1 of this act.

Sec. 3. Original section 81-1108.33, Reissue Revised Statutes of Nebraska, is repealed.

2. On page 1, strike lines 2 through 4 and insert "section 81-1108.33, Reissue Revised Statutes of Nebraska; to provide for review and approval of certain leases and agreements; to harmonize provisions; and to repeal the original section.".

LEGISLATIVE BILL 904. Placed on Select File as amended.

E & R amendment to LB 904:
AM7205

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 39-2401, Reissue Revised Statutes of Nebraska, is amended to read:

39-2401 There is hereby established the Highway Allocation Fund. There shall be paid into such fund the amounts disbursed from time to time from the Highway Trust Fund as provided by law together with such sums as may be appropriated thereto from the General Fund and proceeds of sales and use taxes credited to the Highway Allocation Fund under section 77-27,132. Any money in the ~~Highway Allocation Fund~~ fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 2. Section 39-2510, Reissue Revised Statutes of Nebraska, is amended to read:

39-2510 (1) All ~~No~~ money derived from fees, excises, or license fees relating to registration, operation, or use of vehicles on the public highways, or to fuels used for the propulsion of such vehicles, shall be expended for ~~other than cost of administering laws under which such money is derived, statutory refunds and adjustments provided therein,~~ payment of highway obligations, cost of construction, reconstruction, maintenance, and repair of public highways and bridges and county, city, township, and village roads, streets, and bridges, and all facilities, appurtenances, and structures deemed necessary ~~or desirable~~ in connection with such highways, bridges, roads, and streets, ~~except that the provisions of this section shall not apply to~~ or may be pledged to secure bonded indebtedness issued for such purposes, except for (a) the cost of administering laws under which such money is derived, (b) statutory refunds and adjustments provided therein, and (c) money derived from the motor vehicle operators' license fees or money received from parking meter proceeds, fines, and penalties.

(2) The requirements of subsection (1) of this section also apply to sales and use taxes imposed on motor vehicles, trailers, and semitrailers pursuant to sections 13-319 and 77-27,142, except that such provisions shall not apply in a county or municipal county that has issued bonds (a) the proceeds of which were used for purposes listed in subsection (1) of this section and for which revenue other than sales and use taxes on motor vehicles, trailers, and semitrailers are pledged for payment or (b) approved by a vote that required the use of sales and use taxes imposed on motor vehicles, trailers, and semitrailers for a specific purpose other than those listed in subsection (1) of this section, until all such bonds issued prior to January 1, 2006, have been paid or retired. The county or municipal county shall include a certification with the report under section 39-2120 showing the

amount of revenue other than sales and use tax revenue derived from motor vehicles, trailers, or semitrailers that is to be expended for the purposes listed in subsection (1) of this section and the amount of sales and use taxes expected to be collected from sales of motor vehicles, trailers, and semitrailers for that year.

Sec. 3. Section 39-2520, Reissue Revised Statutes of Nebraska, is amended to read:

39-2520 (1) All ~~No~~ money derived from fees, excises, or license fees relating to registration, operation, or use of vehicles on the public highways, or to fuels used for the propulsion of such vehicles, shall be expended for ~~other than cost of administering laws under which such money is derived, statutory refunds and adjustments provided therein,~~ payment of highway obligations, cost of construction, reconstruction, maintenance, and repair of public highways and bridges and county, city, township, and village roads, streets, and bridges, ~~offstreet public parking owned by the municipality,~~ and all facilities, appurtenances, and structures deemed necessary ~~or desirable~~ in connection with such highways, bridges, roads, and streets, ~~except that this section shall not apply to~~ or may be pledged to secure bonded indebtedness issued for such purposes, except for (a) the cost of administering laws under which such money is derived, (b) statutory refunds and adjustments provided therein, and (c) money derived from the motor vehicle operators' license fees or money received from parking meter proceeds, fines, and penalties.

(2) The requirements of subsection (1) of this section also apply to sales and use taxes imposed on motor vehicles, trailers, and semitrailers pursuant to sections 13-319 and 77-27,142, except that such provisions shall not apply in a municipality that has issued bonds (a) the proceeds of which were used for purposes listed in subsection (1) of this section and for which revenue other than sales and use taxes on motor vehicles, trailers, and semitrailers are pledged for payment or (b) approved by a vote that required the use of sales and use taxes imposed on motor vehicles, trailers, and semitrailers for a specific purpose other than those listed in subsection (1) of this section, until all such bonds issued prior to January 1, 2006, have been paid or retired. The municipality shall include a certification with the report under section 39-2120 showing the amount of revenue other than sales and use tax revenue derived from motor vehicles, trailers, or semitrailers that is to be expended for the purposes listed in subsection (1) of this section and the amount of sales and use taxes expected to be collected from sales of motor vehicles, trailers, and semitrailers for that year.

Sec. 4. Section 77-27,132, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,132 (1) There is hereby created a fund to be designated the Revenue Distribution Fund which shall be set apart and maintained by the Tax Commissioner. Revenue not required to be

credited to the General Fund or any other specified fund may be credited to the Revenue Distribution Fund. Credits and refunds of such revenue shall be paid from the Revenue Distribution Fund. The balance of the amount credited, after credits and refunds, shall be allocated as provided by the statutes creating such revenue.

(2) The Tax Commissioner shall pay to a depository bank designated by the State Treasurer all amounts collected under the Nebraska Revenue Act of 1967. The Tax Commissioner shall present to the State Treasurer bank receipts showing amounts so deposited in the bank, and of the amounts so deposited the State Treasurer shall credit to the Highway Trust Fund all of the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers, except that the proceeds equal to any sales tax rate provided for in section 77-2701.02 that is in excess of five percent derived from motor vehicles, trailers, and semitrailers shall be credited to the ~~General~~ Highway Allocation Fund. The balance of all amounts collected under the Nebraska Revenue Act of 1967 shall be credited to the General Fund.

Sec. 5. This act becomes operative on October 1, 2006.

Sec. 6. Original sections 39-2401, 39-2510, 39-2520, and 77-27,132, Reissue Revised Statutes of Nebraska, are repealed.

2. On page 1, strike beginning with "revenue" in line 1 through line 4 and insert "the Highway Allocation Fund; to amend sections 39-2401, 39-2510, 39-2520, and 77-27,132, Reissue Revised Statutes of Nebraska; to change provisions relating to proceeds credited to and distributions from the fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.".

LEGISLATIVE BILL 965A. Placed on Select File.
LEGISLATIVE BILL 990A. Placed on Select File.
LEGISLATIVE BILL 956A. Placed on Select File.

(Signed) Michael Flood, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1256. The Standing Committee amendment, AM2927, printed separately and referred to on page 1235 and considered in this day's Journal, as amended, was renewed.

Senator Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Standing Committee amendment, as amended, was adopted with 29 ayes, 1 nay, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 35 ayes, 1 nay, 12 present and not

voting, and 1 excused and not voting.

LEGISLATIVE BILL 1006. Title read. Considered.

The Standing Committee amendment, AM2815, found on page 1233, was considered.

Senators Brashear and Raikes offered the following amendment to the Standing Committee amendment:
AM2975

(Amendments to Standing Committee amendments, AM2815)

1. On page 1, line 9, before "educational" insert "common school and early childhood"; and in lines 9 and 10 strike ", including early childhood education,".

2. On page 2, line 6, before "educational" insert "common school and early childhood"; and in lines 15 and 16 strike the new matter.

3. On page 3, lines 11 and 15, before "educational" insert "common school and early childhood"; and in line 18 after "appropriated" insert "as provided by the Legislature for the benefit of the common schools and".

4. On page 4, line 2, before "early" insert "common school and".

The Brashear-Raikes amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 31 ayes, 1 nay, 15 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 31 ayes, 1 nay, 15 present and not voting, and 2 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1256A. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1256, Ninety-ninth Legislature, Second Session, 2006.

GENERAL FILE

LEGISLATIVE BILL 239. Title read. Considered.

Senator Connealy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not

voting.

Senator Schimek moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Advanced to E & R for review with 30 ayes, 5 nays, 11 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB 385:
FA650
P. 11, in line 3 reinstate the stricken matter, and in line 4 strike the new matter.

Senator Synowiecki filed the following amendment to LB 924:
AM2929
(Amendments to Standing Committee amendments, AM2521)

1. Insert the following new section:

Sec. 3. Section 76-883, Reissue Revised Statutes of Nebraska, is amended to read:

76-883 (a) A person required to deliver a public-offering statement pursuant to subsection (c) of section 76-879 shall provide a purchaser of a unit with a copy of the public-offering statement and all amendments thereto before conveyance of that unit and not later than the date of any contract of sale. Unless a purchaser is given the public-offering statement more than fifteen days before execution of a contract for the purchase of a unit, the purchaser, before conveyance, may cancel the contract within fifteen days after first receiving the public-offering statement.

(b) After receiving the public-offering statement and all amendments, a purchaser has the right to have an independent inspection of the building's structure and mechanical systems conducted at the purchaser's expense.

~~(b)~~ (c) If a purchaser elects to cancel a contract pursuant to subsection (a) of this section, he or she may do so by hand-delivering notice thereof to the offeror or by mailing notice thereof by mail postage prepaid to the offeror or to his or her agent for service of process. Cancellation is without penalty, and all payments made by the purchaser before cancellation shall be refunded promptly.

~~(c)~~ (d) If a person required to deliver a public-offering statement pursuant to subsection (c) of section 76-879 fails to provide a purchaser to whom a unit is conveyed with that public-offering statement and all amendments thereto as required by subsection (a) of this section, the purchaser is entitled to receive damages and other relief from that person.

2. On page 2, line 25, strike "section 76-701" and insert "sections 76-701 and 76-883"; and in line 26 strike "is" and insert "are".
3. Renumber the remaining sections accordingly.

Senator Bourne filed the following amendment to LB 924:
AM2898
(Amendments to Standing Committee amendments, AM2521)
1. On page 2, line 19, strike "public".

Senator Schrock filed the following amendment to LB 1226A:
AM2980
(Amendments to AM2945)
1. On page 1, lines 3 and 5, strike "$2,461,885" and insert "$2,412,854".

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 1024. Placed on General File as amended.
(Standing Committee amendment, AM2687, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Ron Raikes, Chairperson

GENERAL FILE

LEGISLATIVE BILL 489. Senator Synowiecki renewed his pending amendment, AM2344, printed separately and referred to on page 877 and considered in this day's Journal.

Senator Beutler renewed his pending amendment, AM2934, found on page 1299 and considered in this day's Journal, to the Synowiecki pending amendment.

Senator Baker moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Beutler amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Senator Synowiecki moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Synowiecki requested a roll call vote on his amendment, as amended.

Voting in the affirmative, 21:

Aguilar	Combs	Janssen	Preister	Wehrbein
Beutler	Connealy	Landis	Schimek	
Bourne	Cornett	McDonald	Stuhr	
Brown	Cunningham	Mines	Synowiecki	
Byars	Howard	Pahls	Thompson	

Voting in the negative, 9:

Baker	Hudkins	Kopplin	Louden	Smith
Erdman	Jensen	Langemeier	Redfield	

Present and not voting, 17:

Brashear	Fischer	Heidemann	Pederson, D.	Stuthman
Chambers	Flood	Johnson	Price	
Cudaback	Foley	Kremer	Raikes	
Engel	Friend	Kruse	Schrock	

Excused and not voting, 2:

Burling	Pedersen, Dw.

The Synowiecki amendment, as amended, lost with 21 ayes, 9 nays, 17 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Cunningham withdrew his pending amendment, AM2885, found on page 1239.

Senator Cunningham offered the following amendment:
AM2948

1. Insert the following sections:

Section 1. Section 48-120, Revised Statutes Supplement, 2005, is amended to read:

48-120 ~~(1)~~ (1)(a) Until January 1, 2008:

(i) The employer is liable for all reasonable medical, surgical, and hospital services, including plastic surgery or reconstructive surgery but not cosmetic surgery when the injury has caused disfigurement, appliances, supplies, prosthetic devices, and medicines as and when needed, which are required by the nature of the injury and which will relieve pain or promote and hasten the employee's restoration to health and employment, and includes damage to or destruction of artificial members, dental appliances, teeth, hearing aids, and eyeglasses, but, in the case of dental appliances, hearing aids, or eyeglasses, only if such damage or destruction resulted from an accident which also caused personal injury entitling the employee to compensation therefor for

disability or treatment, subject to the approval of and regulation by the Nebraska Workers' Compensation Court;

(ii) The compensation court may establish schedules of fees for medical, surgical, and hospital services. Except as provided in subdivision (1)(a)(iii) of this section, the allowable fee for any such service shall be the fee established by the compensation court or the provider's actual charge, whichever is lower. If the compensation court establishes such a schedule, it shall publish and furnish such schedule to the public. The compensation court shall review such schedule at least biennially and adopt appropriate changes when necessary. The compensation court may contract with any person, firm, corporation, organization, or government agency to secure adequate data to establish such fees. The provider or supplier of such services shall not collect or attempt to collect from any employer, insurer, government, or injured employee or dependent or the estate of any injured or deceased employee any amount in excess of the allowable fee for any such service pursuant to this subsection. The compensation court may establish and charge a fee to recover the cost of publishing fee schedules. Notwithstanding any other provision of this section, the compensation court may exclude from the application of such schedules those services performed under a managed care plan certified pursuant to section 48-120.02; and

(iii) A workers' compensation insurer, risk management pool, self-insured employer, or certified managed care plan may negotiate a contract or agreement for fees for medical, surgical, or hospital services that are greater than or less than the fees established by the compensation court. The fees established under such contract or agreement become the allowable fees under the Nebraska Workers' Compensation Act for services addressed by such contract or agreement.

(b) On and after January 1, 2008:

(i) The employer is liable for all reasonable medical, surgical, and hospital services, including plastic surgery or reconstructive surgery but not cosmetic surgery when the injury has caused disfigurement, appliances, supplies, prosthetic devices, and medicines as and when needed, which are required by the nature of the injury and which will relieve pain or promote and hasten the employee's restoration to health and employment, and includes damage to or destruction of artificial members, dental appliances, teeth, hearing aids, and eyeglasses, but, in the case of dental appliances, hearing aids, or eyeglasses, only if such damage or destruction resulted from an accident which also caused personal injury entitling the employee to compensation therefor for disability or treatment, subject to the approval of and regulation by the Nebraska Workers' Compensation Court, not to exceed the regular charge made for such service in similar cases; and .

(ii) The compensation court may establish schedules of maximum fees for such services. If the compensation court

establishes such a schedule, it shall publish and furnish such schedule to the public. The compensation court shall review such schedule at least biennially and adopt appropriate changes when necessary. The compensation court may contract with any person, firm, corporation, organization, or government agency to secure adequate data to establish such fees. The provider or supplier of such services shall not collect or attempt to collect from any employer, insurer, government, or injured employee or dependent or the estate of any injured or deceased employee any amount in excess of the maximum fee established by the compensation court for any such service. The compensation court shall establish and charge a fee to recover the cost of published fee schedules. Notwithstanding any other provision of this section, the compensation court may exclude from the application of such schedules those services performed under a managed care plan certified pursuant to section 48-120.02.

(2)(a) The employee has the right to select a physician who has maintained the employee's medical records prior to an injury and has a documented history of treatment with the employee prior to an injury or a physician who has maintained the medical records of an immediate family member of the employee prior to an injury and has a documented history of treatment with an immediate family member of the employee prior to an injury. For purposes of this subsection, immediate family member means the employee's spouse, children, parents, stepchildren, and stepparents. The employer shall notify the employee following an injury of such right of selection in a form and manner and within a timeframe established by the compensation court. If the employer fails to notify the employee of such right of selection or fails to notify the employee of such right of selection in a form and manner and within a timeframe established by the compensation court, then the employee has the right to select a physician. If the employee fails to exercise such right of selection in a form and manner and within a timeframe established by the compensation court following notice by the employer pursuant to this subsection, then the employer has the right to select the physician. If selection of the initial physician is made by the employee or employer pursuant to this subsection following notice by the employer pursuant to this subsection, the employee or employer shall not change the initial selection of physician made pursuant to this subsection unless such change is agreed to by the employee and employer or is ordered by the compensation court pursuant to subsection (6) of this section. If compensability is denied by the workers' compensation insurer, risk management pool, or self-insured employer, (i) the employee has the right to select a physician and shall not be made to enter a managed care plan and (ii) the employer is liable for medical, surgical, and hospital services subsequently found to be compensable. If the employer has exercised the right to select a physician pursuant to this subsection and if the compensation

court subsequently orders reasonable medical services previously refused to be furnished to the employee by the physician selected by the employer, the compensation court shall allow the employee to select another physician to furnish further medical services. If the employee selects a physician located in a community not the home or place of work of the employee and a physician is available in the local community or in a closer community, no travel expenses shall be required to be paid by the employer or his or her workers' compensation insurer.

(b) In cases of injury requiring dismemberment or injuries involving major surgical operation, the employee may designate to his or her employer the physician or surgeon to perform the operation.

(c) If the injured employee unreasonably refuses or neglects to avail himself or herself of medical or surgical treatment furnished by the employer, except as herein and otherwise provided, the employer is not liable for an aggravation of such injury due to such refusal and neglect and the compensation court or judge thereof may suspend, reduce, or limit the compensation otherwise payable under the Nebraska Workers' Compensation Act.

(d) If, due to the nature of the injury or its occurrence away from the employer's place of business, the employee or the employer is unable to select a physician using the procedures provided by this subsection, the selection requirements of this subsection shall not apply as long as the inability to make a selection persists.

(e) The physician selected may arrange for any consultation, referral, or extraordinary or other specialized medical services as the nature of the injury requires.

(f) The employer is not responsible for medical services furnished or ordered by any physician or other person selected by the employee in disregard of this section. Except as otherwise provided by the Nebraska Workers' Compensation Act, the employer is not liable for medical, surgical, or hospital services or medicines if the employee refuses to allow them to be furnished by the employer.

(3) No claim for such medical treatment is valid and enforceable unless, within fourteen days following the first treatment, the physician giving such treatment furnishes the employer a report of such injury and treatment on a form prescribed by the compensation court. The compensation court may excuse the failure to furnish such report within fourteen days when it finds it to be in the interest of justice to do so.

(4) All physicians and other providers of medical services attending injured employees shall comply with all the rules and regulations adopted and promulgated by the compensation court and shall make such reports as may be required by it at any time and at such times as required by it upon the condition or treatment of any injured employee or upon any other matters

concerning cases in which they are employed. All medical and hospital information relevant to the particular injury shall, on demand, be made available to the employer, the employee, the workers' compensation insurer, and the compensation court. The party requesting such medical and hospital information shall pay the cost thereof. No such relevant information developed in connection with treatment or examination for which compensation is sought shall be considered a privileged communication for purposes of a workers' compensation claim. When a physician or other provider of medical services willfully fails to make any report required of him or her under this section, the compensation court may order the forfeiture of his or her right to all or part of payment due for services rendered in connection with the particular case.

(5) Whenever the compensation court deems it necessary, in order to assist it in resolving any issue of medical fact or opinion, it shall cause the employee to be examined by a physician or physicians selected by the compensation court and obtain from such physician or physicians a report upon the condition or matter which is the subject of inquiry. The compensation court may charge the cost of such examination to the workers' compensation insurer. The cost of such examination shall include the payment to the employee of all necessary and reasonable expenses incident to such examination, such as transportation and loss of wages.

(6) The compensation court shall have the authority to determine the necessity, character, and sufficiency of any medical services furnished or to be furnished and shall have authority to order a change of physician, hospital, rehabilitation facility, or other medical services when it deems such change is desirable or necessary. Any dispute regarding medical, surgical, or hospital services furnished or to be furnished under this section may be submitted by the parties, the supplier of such service, or the compensation court on its own motion for informal dispute resolution by a staff member of the compensation court or an outside mediator pursuant to section 48-168. In addition, any party or the compensation court on its own motion may submit such a dispute for a medical finding by an independent medical examiner pursuant to section 48-134.01. Issues submitted for informal dispute resolution or for a medical finding by an independent medical examiner may include, but are not limited to, the reasonableness and necessity of any medical treatment previously provided or to be provided to the injured employee. The compensation court may adopt and promulgate rules and regulations regarding informal dispute resolution or the submission of disputes to an independent medical examiner that are considered necessary to effectuate the purposes of this section.

(7) For the purpose of this section, physician has the same meaning as in section 48-151.

(8) The compensation court shall order the employer to

make payment directly to the supplier of any services provided for in this section or reimbursement to anyone who has made any payment to the supplier for services provided in this section. No such supplier or payor may be made or become a party to any action before the compensation court.

(9) Notwithstanding any other provision of this section, a workers' compensation insurer, risk management pool, or self-insured employer may contract for medical, surgical, hospital, and rehabilitation services to be provided through a managed care plan certified pursuant to section 48-120.02. Once liability for medical, surgical, and hospital services has been accepted or determined, the employer may require that employees subject to the contract receive medical, surgical, and hospital services in the manner prescribed in the contract, except that an employee may receive services from a physician selected by the employee pursuant to subsection (2) of this section if the physician so selected agrees to refer the employee to the managed care plan for any other treatment that the employee may require and if the physician so selected agrees to comply with all the rules, terms, and conditions of the managed care plan. If compensability is denied by the workers' compensation insurer, risk management pool, or self-insured employer, the employee may leave the managed care plan and the employer is liable for medical, surgical, and hospital services previously provided. The workers' compensation insurer, risk management pool, or self-insured employer shall give notice to employees subject to the contract of eligible service providers and such other information regarding the contract and manner of receiving medical, surgical, and hospital services under the managed care plan as the compensation court may prescribe.

Sec. 2. Original section 48-120, Revised Statutes Supplement, 2005, is repealed.

2. Amend any operative date section so that the sections added by this amendment become operative three calendar months after adjournment of this legislative session.

3. Renumber any remaining sections and correct internal references accordingly.

The Cunningham amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

WITHDRAW - Cointroducers

Senators Erdman, Fischer, and Heidemann withdrew their names as cointroducers to LB 1006.

VISITORS

Visitors to the Chamber were 28 fourth-grade students and teachers from Grant Elementary School, Norfolk; Faye Schellpeper from Stanton, Janice Coordsen from Hebron, and Kay Rupp from Monroe; 58 fourth-grade students and teachers from Syracuse; Ken and Virginia Rhoades from Blair; Joy Denney from Stanton and Ron Colsden from Norfolk; and Leah Spath from North Bend, Brian Petersen from Burwell, Ben and Cole Blomendahl from Hooper, and Jolene Quaring from Lincoln.

The Doctor of the Day was Dr. Martha Reyes from Omaha.

ADJOURNMENT

At 8:37 p.m., on a motion by Senator Preister, the Legislature adjourned until 9:00 a.m., Thursday, March 30, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-SECOND DAY - MARCH 30, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

FIFTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 30, 2006

PRAYER

The prayer was offered by Senator Fischer.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Cunningham, Heidemann, Preister, and Synowiecki who were excused until they arrive.

SPEAKER BRASHEAR PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-first day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 29, 2006, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

O'Hara, Lindsay & Associates, Inc.
Omaha Paper Stock Company

Poorbaugh-Seifert, Renee A.
Nebraska Association of Convention and Visitors Bureaus

Radcliffe, Walter H. of Radcliffe & Associates
Custom Electronics Design and Installation Assn.

REPORTS

The following reports were received by the Legislature:

Criminal Justice, Commission on Law Enforcement and
Traffic Stops in Nebraska Report
Investment Council
2005 Annual Report
Property Assessment and Taxation, Department of
2005 Annual Report
Retirement Systems, Public Employees
State of Nebraska Employees Retirement Plan, Nebraska County Employees Retirement Plan, and State of Nebraska Deferred Compensation Plan

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 315 and 316 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 315 and 316.

WITHDRAW - Amendments to LB 57

Senator Beutler withdrew his pending amendment, AM1369, found on page 1384, First Session, 2005, to LB 57.

Senator Foley withdrew his pending amendment, AM1893, found on page 357, to LB 57.

Senator Beutler withdrew his pending amendment, AM2972, found on page 1321, to LB 57.

MOTIONS - Return LB 57 to Select File

Senator Chambers moved to return LB 57 to Select File to reoffer his specific amendment, FA197, found on page 1312, First Session, 2005, and considered on pages 319 and 321.

Senator Chambers withdrew his motion to return.

Senator Chambers moved to return LB 57 to Select File to reoffer his specific amendment, FA198, found on page 1312, First Session, 2005, and considered on pages 322, 330, and 333.

Senator Chambers withdrew his motion to return.

Senator Chambers moved to return LB 57 to Select File to reoffer his specific amendment, FA202, found on page 1315, First Session, 2005, and considered on page 369.

Senator Chambers withdrew his motion to return.

Senator Chambers moved to return LB 57 to Select File to reoffer his specific amendment, FA203, found on page 1315, First Session, 2005, and considered on page 377.

Senator Chambers withdrew his motion to return.

WITHDRAW - Amendment to LB 57

Senator Howard withdrew her pending amendment, AM2665, found on page 987, to LB 57.

MOTION - Return LB 57 to Select File

Senator Landis moved to return LB 57 to Select File for the following specific amendment:
AM2989

(Amendments to Final Reading copy)

1. On page 2, lines 12, 17, and 23, after "she" insert ", during the commission of an assault on a pregnant woman,"; and in lines 13, 18, and 24 strike "an" and insert "her".

Senator Foley asked unanimous consent to pass over LB 57. No objections. So ordered.

WITHDRAW - Amendments to LB 454

Senator Mines withdrew his pending amendment, AM0652, found on page 1413, First Session, 2005, to LB 454.

Senator Thompson withdrew her pending amendments, FA232 and FA233, found on page 1414, First Session, 2005, to LB 454.

MOTION - Return LB 454 to Select File

Senator Thompson moved to return LB 454 to Select File for her specific pending amendment, AM1477, found on page 1414, First Session, 2005.

Senator Thompson asked unanimous consent to withdraw her specific pending amendment, AM1477, found on page 1414, First Session, 2005, and replace it with her substitute specific amendment, AM2960. No objections. So ordered.
AM2960

(Amendments to Final Reading copy)

1. On page 8, strike beginning with "The" in line 13 through line 14; strike beginning with "The" in line 18 through "renewal" in line 19 and insert "Renewal"; in line 21 after "(3)" insert "The Nebraska State Patrol shall establish fees for initial and renewal applications for applicants at rates sufficient to cover the costs of administering the Concealed Handgun Permit Act"; and in line 22 strike "Nebraska State Patrol" and insert "patrol".

SENATOR JANSSEN PRESIDING

SPEAKER BRASHEAR PRESIDING

Senator Combs offered the following motion:
Invoke cloture on LB 454, pursuant to Rule 7, Section 10.

Senator Combs requested a roll call vote, in reverse order, on her motion to invoke cloture.

Voting in the affirmative, 36:

Aguilar	Connealy	Foley	Langemeier	Smith
Baker	Cornett	Friend	Louden	Stuhr
Beutler	Cudaback	Heidemann	McDonald	Synowiecki
Bourne	Cunningham	Hudkins	Pahls	Wehrbein
Brashear	Engel	Janssen	Pedersen, Dw.	
Burling	Erdman	Jensen	Pederson, D.	
Byars	Fischer	Kremer	Redfield	
Combs	Flood	Kruse	Schrock	

Voting in the negative, 10:

Brown	Johnson	Mines	Raikes	Stuthman
Chambers	Landis	Price	Schimek	Thompson

Present and not voting, 2:

Howard Preister

Excused and not voting, 1:

Kopplin

The Combs motion to invoke cloture prevailed with 36 ayes, 10 nays, 2 present and not voting, and 1 excused and not voting.

The Thompson motion to return to Select File failed with 8 ayes, 30 nays, 10 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 454 with 36 ayes, 7 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 454.

A BILL FOR AN ACT relating to handguns; to amend section 28-1202, Reissue Revised Statutes of Nebraska; to adopt the Concealed Handgun Permit Act; to provide penalties; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Aguilar	Connealy	Flood	Kremer	Redfield
Baker	Cornett	Foley	Langemeier	Schrock
Bourne	Cudaback	Friend	Louden	Smith
Brashear	Cunningham	Heidemann	McDonald	Stuhr
Burling	Engel	Hudkins	Pahls	Wehrbein
Byars	Erdman	Janssen	Pedersen, Dw.	
Combs	Fischer	Jensen	Pederson, D.	

Voting in the negative, 12:

Beutler	Howard	Landis	Raikes
Brown	Johnson	Mines	Schimek
Chambers	Kruse	Price	Thompson

Present and not voting, 3:

Preister	Stuthman	Synowiecki

Excused and not voting, 1:

Kopplin

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 454A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 454, Ninety-ninth Legislature, Second Session, 2006.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Aguilar	Connealy	Friend	Louden	Smith
Baker	Cornett	Heidemann	McDonald	Stuhr
Bourne	Cunningham	Hudkins	Pahls	Thompson
Brashear	Engel	Janssen	Pedersen, Dw.	Wehrbein
Brown	Erdman	Jensen	Pederson, D.	
Burling	Fischer	Johnson	Raikes	
Byars	Flood	Kremer	Redfield	
Combs	Foley	Langemeier	Schrock	

Voting in the negative, 4:

Beutler	Chambers	Landis	Price

Present and not voting, 8:

Cudaback	Kruse	Preister	Stuthman
Howard	Mines	Schimek	Synowiecki

Excused and not voting, 1:

Kopplin

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 454 and 454A.

AMENDMENTS - Print in Journal

Senator Schrock filed the following amendment to LB 1226:
AM2979
(Amendments to Standing Committee amendments, AM2578)

1. On page 84, line 15, after "46-715" insert ". This subdivision does not apply to a water user described in this subdivision that is regulated by the Industrial Ground Water Regulatory Act or the United States Nuclear Regulatory Commission".

Senator Schimek filed the following amendment to LB 239:
AM1792
1. On page 4, line 15, strike "2005" and insert "2006".

Senators Wehrbein and Cunningham filed the following amendment to LB 489:
(Amendment, AM2941, is printed separately and available in the Bill Room, Room 1104.)

Senator Erdman filed the following amendment to LB 239:
FA651

Amendment to AM1792

Strike "2006" and insert "2007"

Senator Erdman filed the following amendment to LB 239:
FA652

Amendment to AM1792

Strike "2006" and insert "2008"

GENERAL FILE

LEGISLATIVE BILL 845. Title read. Considered.

SENATOR CUDABACK PRESIDING

Senator Kruse renewed his pending amendment, AM2320, found on page 694.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Kruse amendment was adopted with 28 ayes, 1 nay, 19 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 745. Title read. Considered.

The Standing Committee amendment, AM0679, found on page 731, First Session, 2005, was considered.

Senator Chambers offered the following motion:

Bracket LB 745 until April 11, 2006.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 30, 2006, at 11:45 a.m. were the following: LBs 454 and 454A.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1199. Placed on Select File as amended.
E & R amendment to LB 1199:
AM7204

1. In the Standing Committee amendment, AM2715:
a. On page 7, line 19, strike "did" and insert "does";
b. On page 8, line 6, after "section" insert "and";
c. On page 8, lines 21 and 24; page 9, line 2; page 10, line 3; and page 18, line 1, strike the commas and reinstate the stricken "or";
d. On page 9, line 7, reinstate the stricken "or"; in line 8 strike the comma; and in line 13 after the second comma insert "or" and strike the last comma;
e. On page 30, line 9, strike "they are" and insert "he or she is";
f. On page 37, line 11, strike the comma and show as stricken; and in line 12 after "sentencing" insert an underscored comma;
g. On page 49, line 23, strike the new matter and after "28-386" insert "or section 6 of this act";
h. On page 50, line 3, after the first comma insert "in";
i. On page 58, line 2, after "disorder" insert an underscored comma;
j. On page 61, line 9, after "71-921" insert "or section 64 of this act";
k. On page 62, line 22, strike "subsection" and insert "subdivision";
l. On page 64, line 10, after "Act" insert "or the Sex Offender Commitment Act";
m. On page 67, line 19, strike the last "the", show as stricken, and insert "either"; and in line 22 strike "acts", show as stricken, and insert "actions";
n. On page 69, line 17; page 72, line 14; page 76, lines 10 and 18; page 77, line 8; and page 78, line 23, after "in" insert "subdivision (1) of";

o. On page 87, line 22, after "offender" insert an underscored comma; and in line 24 strike "69" and insert "68";

p. On page 90, line 25, strike the new matter and reinstate the stricken matter;

q. On page 96, line 2, after "offenders" insert "as defined in section 90 of this section";

r. On page 97, line 13, strike the commas and after "incarceration" insert "or";

s. On page 98, line 4, strike "section 81-1850 and" and strike "88" and insert "89"; and in line 7 after "or" insert "with";

t. On page 100, line 7, strike "his or her" and insert "the"; and in line 16 strike "(5)";

u. On page 106, line 1, reinstate the stricken matter; in line 8 strike the last occurrence of "parole"; and in line 20 strike "sex offenders" and insert "individuals";

v. On page 106, lines 11 and 24; and page 107, line 13, strike "a sex offender" and insert "an individual";

w. On page 106, line 22; page 107, lines 2 and 9; and page 110, line 6, strike "Parole Administrator" and insert "administrator";

x. On page 107, lines 5 and 6, strike "101 of this act" and insert "83-1,102";

y. On page 108, line 5, after the semicolon insert "and"; in line 16 strike "(d)" and insert "(iv)"; in line 18, strike "(iv)" and insert "(v)"; in line 21 strike "(v)" and insert "(vi)"; and in line 27 strike "offender" and insert "individual";

z. On page 109, line 14, strike "offender" and insert "individual"; and in line 21 strike "person" and insert "individual";

aa. On page 110, line 12, after "evidence" insert "(a)"; in line 13 strike "(a)"; and in line 20 strike "90" and insert "89";

bb. On page 111, line 4, strike the new matter and reinstate the stricken matter; and in line 5 after "Act" insert "or the Sex Offender Commitment Act";

cc. On page 116, line 7, after "lifetime" insert "community";

dd. On page 117, line 12, strike "their" and insert "its"; and

ee. On page 118, line 24, strike "; and" and insert an underscored period.

2. On page 1, strike beginning with "crimes" in line 1 through line 13 and insert "sex offenses; to amend sections 28-319, 28-367, 29-2028, 29-2221, 42-1203, 71-1,206.14, 71-1,206.18, 71-1,206.34, 71-6908, 79-267, 83-1,100, and 83-1,103, Reissue Revised Statutes of Nebraska, sections 28-101, 28-111, 28-311, 28-318, 28-320.01, 28-320.02, 28-707, 29-119, 29-1926, 29-2290, 29-2923, 29-3705, 29-4001, 29-4005, 29-4006, 29-4007, 29-4011,

29-4103, 71-912, 71-914, 71-916, 71-917, 71-918, 71-942, 71-944, 71-945, 71-946, 71-947, 71-948, 71-949, 71-954, 71-956, 71-957, 71-958, 71-959, 71-960, 71-961, 71-962, 80-601, 81-1850, 83-338, 83-351, 83-364, 83-376, and 83-933, Revised Statutes Cumulative Supplement, 2004, and sections 29-110, 29-4003, 29-4004, 29-4009, 29-4013, 83-1,102, 83-1,135, and 83-4,143, Revised Statutes Supplement, 2005; to create the offenses of sexual assault of a child in the first, second, and third degrees; to provide penalties; to change provisions relating to sex offenses and the Sex Offender Registration Act; to adopt the Sexual Predator Residency Restriction Act and the Sex Offender Commitment Act; to provide duties for authorities with respect to the release of certain sex offenders; to provide for lifetime community supervision of certain sex offenders as prescribed; to provide duties for the Office of Parole Administration and parole officers; to change provisions relating to the Nebraska Treatment and Corrections Act; to provide duties for sentencing courts; to establish a working group; to provide a termination date; to harmonize provisions; and to repeal the original sections.".

3. On page 2, strike lines 1 through 12.

LEGISLATIVE BILL 1199A. Placed on Select File.

LEGISLATIVE BILL 1226. Placed on Select File as amended.
E & R amendment to LB 1226:
AM7210

1. In the Standing Committee amendments, AM2578:

a. On page 1, line 18, strike "such section" and insert "section 2-955";

b. On page 5, line 14, strike "whereapplying" and insert "when applying";

c. On page 5, line 23; and page 6, line 8, strike beginning with "as" through the last comma.

d. On page 26, line 7, strike "department's" and after "approval" insert "of the Department of Natural Resources";

e. On page 31, line 12, strike "department", show as stricken, and insert "Department of Natural Resources";

f. On page 34, line 11; and page 35, line 17, strike "subsection" and insert "subdivision";

g. On page 42, line 21, strike "are" and insert "is";

h. On page 45, line 19, strike "subdivision" and insert "subsection";

i. On page 48, line 2; and page 81, line 5, strike "department" and insert "Department of Natural Resources";

j. On page 53, lines 19 and 20, strike "director of the department" and insert "Director of Natural Resources";

k. On page 81, line 11, strike "(b)" and insert "(b)(i)"; in line 18 strike "(b)(ii)" and insert "(b)(iii)"; in line 19 strike "(i)" and insert "(ii)"; and in line 21 after "west" insert

an underscored comma;

l. On page 82, line 1, strike "(ii)" and insert "(iii)";

m. On page 83, line 8, strike "(3)(b)(i)" and insert "(3)(b)(ii)"; and

n. On page 88, line 15, after "designated" insert "as".

2. On page 1, strike beginning with "water" in line 1 through line 5 and insert "the environment; to amend sections 46-229.02, 46-229.03, 46-229.04, 46-290, 46-291, 46-294.01, 46-2,112, 46-2,136, 46-602, 46-655.01, 46-683, 46-691.03, 46-701, 46-706, 46-712, 46-713, 46-714, 46-715, 46-719, 46-739, 46-740, and 61-205, Reissued Revised Statutes of Nebraska, sections 2-945.01, 2-1588, 2-3225, and 2-3240, Revised Statutes Cumulative Supplement, 2004, and section 77-3442, Revised Statutes Supplement, 2005; to change notice requirements for projects under the Noxious Weed Control Act; to change provisions relating to the Natural Resources Development Fund; to provide and change tax levy authority for natural resources districts; to create the Storm Water Management Plan Program and the Interrelated Water Management Plan Program; to change provisions relating to water appropriations, the Water Policy Task Force, water wells, and the Nebraska Ground Water Management and Protection Act; to provide powers for the Department of Natural Resources; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 1226A. Placed on Select File.

LEGISLATIVE BILL 1227. Placed on Select File as amended.
E & R amendment to LB 1227:
AM7206

1. On page 1, line 6, strike "and" and after "sections" insert "; and to declare an emergency".

LEGISLATIVE BILL 940. Placed on Select File as amended.
E & R amendment to LB 940:
AM7209

1. In the Standing Committee amendments, AM2411, on page 5, line 23, strike "State".

2. On page 1, strike beginning with "state" in line 1 through line 2 and insert "government; to amend sections 32-716, 32-1524, and 49-1434, Reissue Revised Statutes of Nebraska; to change provisions relating to new political parties, prohibited acts at or near designated polling sites, and lobbying; to prohibit certain activities of the Secretary of State related to campaign committees; to create the Office of Homeland Security, the Director of State Homeland Security, and the Homeland Security Policy Group; and to repeal the original sections.".

(Signed) Michael Flood, Chairperson

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs
Room 1507

Monday, April 10, 2006 1:15 p.m.
Judy Schweikart - Accountability and Disclosure Commission

(Signed) DiAnna R. Schimek, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 845A. Introduced by Landis, 46; Kruse, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 845, Ninety-ninth Legislature, Second Session, 2006.

AMENDMENTS - Print in Journal

Senator Mines filed the following amendment to LB 1222:
AM2986

(Amendments to E & R amendments, AM7200)

1. Insert the following new sections:

Section 1. Section 86-420, Revised Statutes Supplement, 2005, is amended to read:

86-420 Sections 86-420 to 86-441.01 and section 2 of this act shall be known and may be cited as the Emergency Telephone Communications Systems Act.

Sec. 2. Each county shall implement enhanced-911 service by July 1, 2009.

2. On page 8, line 26, after the last comma insert "and section 86-420, Revised Statutes Supplement, 2005,".

3. Renumber the remaining sections and correct internal references accordingly.

Senator Baker filed the following amendment to LB 1189:
AM2928

(Amendments to E & R amendments, AM7199)

1. Insert the following new sections:

Section 1. Section 66-1344, Revised Statutes Supplement, 2005, is amended to read:

66-1344 (1) Beginning June 1, 2000, during such period as funds remain in the Ethanol Production Incentive Cash Fund, any ethanol facility shall receive a credit of seven and one-half cents per gallon of ethanol, before denaturing, for new production for a period not to exceed thirty-six consecutive months. For

purposes of this subsection, new production means production which results from the expansion of an existing facility's capacity by at least two million gallons first placed into service after June 1, 1999, as certified by the facility's design engineer to the Department of Revenue. For expansion of an existing facility's capacity, new production means production in excess of the average of the highest three months of ethanol production at an ethanol facility during the twenty-four-month period immediately preceding certification of the facility by the design engineer. No credits shall be allowed under this subsection for expansion of an existing facility's capacity until production is in excess of twelve times the three-month average amount determined under this subsection during any twelve-consecutive-month period beginning no sooner than June 1, 2000. New production shall be approved by the Department of Revenue based on such ethanol production records as may be necessary to reasonably determine new production. This credit must be earned on or before December 31, 2003.

(2)(a) Beginning January 1, 2002, any new ethanol facility which is in production at the minimum rate of one hundred thousand gallons annually for the production of ethanol, before denaturing, and which has provided to the Department of Revenue written evidence substantiating that the ethanol facility has received the requisite authority from the Department of Environmental Quality and from the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, on or before June 30, 2004, shall receive a credit of eighteen cents per gallon of ethanol produced for ninety-six consecutive months beginning with the first calendar month for which it is eligible to receive such credit and ending not later than June 30, 2012, if the facility is defined by subdivision (b)(i) of this subsection, and for forty-eight consecutive months beginning with the first calendar month for which it is eligible to receive such credit and ending not later than June 30, 2008, if the facility is defined by subdivision (b)(ii) of this subsection. The new ethanol facility shall provide an analysis to the Department of Revenue of samples of the product collected according to procedures specified by the department no later than July 30, 2004, and at least annually thereafter. The analysis shall be prepared by an independent laboratory meeting the International Organization for Standardization standard ISO/IEC 17025:1999. Prior to collecting the samples, the new ethanol facility shall notify the department which may observe the sampling procedures utilized by the new ethanol facility to obtain the samples to be submitted for independent analysis. The minimum rate shall be established for a period of at least thirty days. In this regard, the new ethanol facility must produce at least eight thousand two hundred nineteen gallons of ethanol within a thirty-day period. The ethanol must be finished product which is ready for sale to customers.

(b) For purposes of this subsection, new ethanol facility

means a facility for the conversion of grain or other raw feedstock into ethanol and other byproducts of ethanol production which (i) is not in production on or before September 1, 2001, or (ii) has not received credits prior to June 1, 1999. A new ethanol facility does not mean an expansion of an existing ethanol plant that does not result in the physical construction of an entire ethanol processing facility or which shares or uses in a significant manner any existing plant's systems or processes and does not include the expansion of production capacity constructed after June 30, 2004, of a plant qualifying for credits under this subsection. This definition applies to contracts entered into after April 16, 2004.

(c) Not more than fifteen million six hundred twenty-five thousand gallons of ethanol produced annually at an ethanol facility shall be eligible for credits under this subsection. Not more than one hundred twenty-five million gallons of ethanol produced at an ethanol facility by the end of the ninety-six-consecutive-month period or forty-eight-consecutive-month period set forth in this subsection shall be eligible for credits under this subsection.

(3) The credits described in this section shall be given only for ethanol produced at a plant in Nebraska at which all fermentation, distillation, and dehydration takes place. No credit shall be given on ethanol produced for or sold for use in the production of beverage alcohol. Not more than ten million gallons of ethanol produced during any twelve-consecutive-month period at an ethanol facility shall be eligible for the credit described in subsection (1) of this section. The credits described in this section shall be in the form of a nonrefundable, transferable motor vehicle fuel or diesel fuel tax credit certificate. No transfer of credits will be allowed between the ethanol producer and motor vehicle fuel or diesel fuel licensees who are related parties.

(4) Ethanol production eligible for credits under this section shall be measured by a device approved by the Division of Weights and Measures of the Department of Agriculture. Confirmation of approval by the division shall be provided by the ethanol facility at the time the initial claim for credits provided under this section is submitted to the Department of Revenue and annually thereafter. Claims submitted by the ethanol producer shall be based on the total number of gallons of ethanol produced, before denaturing, during the reporting period measured in gross gallons.

(5) The Department of Revenue shall prescribe an application form and procedures for claiming credits under this section. In order for a claim for credits to be accepted, it must be filed by the ethanol producer within three years of the date the ethanol was produced or by September 30, 2012, whichever occurs first.

(6) Every producer of ethanol shall maintain records similar to those required by section 66-487. The ethanol producer must maintain invoices, meter readings, load-out sheets or

documents, inventory records, including work-in-progress, finished goods, and denaturant, and other memoranda requested by the Department of Revenue relevant to the production of ethanol. On an annual basis, the ethanol producer shall also be required to furnish the department with copies of the reports filed with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives. The maintenance of all of this information in a provable computer format or on microfilm is acceptable in lieu of retention of the original documents. The records must be retained for a period of not less than three years after the claim for ethanol credits is filed.

(7) For purposes of ascertaining the correctness of any application for claiming a credit provided in this section, the Tax Commissioner (a) may examine or cause to have examined, by any agent or representative designated by him or her for that purpose, any books, papers, records, or memoranda bearing upon such matters, (b) may by summons require the attendance of the person responsible for rendering the application or other document or any officer or employee of such person or the attendance of any other person having knowledge in the premises, and (c) may take testimony and require proof material for his or her information, with power to administer oaths or affirmations to such person or persons. The time and place of examination pursuant to this subsection shall be such time and place as may be fixed by the Tax Commissioner and as are reasonable under the circumstances. In the case of a summons, the date fixed for appearance before the Tax Commissioner shall not be less than twenty days from the time of service of the summons. No taxpayer shall be subjected to unreasonable or unnecessary examinations or investigations. All records obtained pursuant to this subsection shall be subject to the confidentiality requirements and exceptions thereto as provided in section 77-27,119.

(8) To qualify for credits under this section, an ethanol producer shall provide public notice for bids before entering into any contract for the construction of a new ethanol facility. Preference shall be given to a bidder residing in Nebraska when awarding any contract for construction of a new ethanol facility if comparable bids are submitted. For purposes of this subsection, bidder residing in Nebraska means any person, partnership, foreign or domestic limited liability company, association, or corporation authorized to engage in business in the state with employees permanently located in Nebraska. If an ethanol producer enters into a contract for the construction of a new ethanol facility with a bidder who is not a bidder residing in Nebraska, such producer shall demonstrate to the satisfaction of the Department of Revenue in its application for credits that no comparable bid was submitted by a responsible bidder residing in Nebraska. The department shall deny an application for credits if it is determined that the contract was denied to a responsible bidder residing in Nebraska

without cause.

(9) The pertinent provisions of Chapter 66, article 7, relating to the administration and imposition of motor fuel taxes shall apply to the administration and imposition of assessments made by the Department of Revenue relating to excess credits claimed by ethanol producers under the Ethanol Development Act. These provisions include, but are not limited to, issuance of a deficiency following an examination of records, an assessment becoming final after thirty days absent a written protest, presumptions regarding the burden of proof, issuance of deficiency within three years of original filing, issuance of notice by registered or certified mail, issuance of penalties and waiver thereof, issuance of interest and waiver thereof, and issuance of corporate officer or employee or limited liability company manager or member assessments. For purposes of determining interest and penalties, the due date will be considered to be the date on which the credits were used by the licensees to whom the credits were transferred.

(10) If a written protest is filed by the ethanol producer with the department within the thirty-day period in subsection (9) of this section, the protest shall: (a) Identify the ethanol producer; (b) identify the proposed assessment which is being protested; (c) set forth each ground under which a redetermination of the department's position is requested together with facts sufficient to acquaint the department with the exact basis thereof; (d) demand the relief to which the ethanol producer considers itself entitled; and (e) request that an evidentiary hearing be held to determine any issues raised by the protest if the ethanol producer desires such a hearing.

(11) For applications received after April 16, 2004, an ethanol facility receiving benefits under the Ethanol Development Act shall not be eligible for benefits under the Employment and Investment Growth Act, the Invest Nebraska Act, or the Nebraska Advantage Act.

Sec. 9. Original section 66-1344, Revised Statutes Supplement, 2005, is repealed.

2. Correct the operative date section so that the sections added by this amendment become operative on their effective date.

3. Renumber the remaining sections and correct internal references accordingly.

GENERAL FILE

LEGISLATIVE BILL 745. The Chambers pending motion, found in this day's Journal, to bracket until April 11, 2006, was renewed.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 441. Introduced by Kremer, 34; Baker, 44; Burling, 33; Combs, 32; Connealy, 16; Cunningham, 40; Engel, 17; Erdman, 47; Fischer, 43; Flood, 19; Friend, 10; Heidemann, 1; Hudkins, 21; Langemeier, 23; Louden, 49; McDonald, 41; Mines, 18; Raikes, 25; Schrock, 38; Smith, 48; Stuhr, 24; Stuthman, 22; Wehrbein, 2.

WHEREAS, having an affordable, reliable, and plentiful energy supply is critical to our economy, as well as our national and international food supply; and

WHEREAS, current and future risks to national energy security are mounting while domestic and global energy demands are growing exponentially; and

WHEREAS, Nebraska has tremendous renewable energy resources; and

WHEREAS, the development of a broad spectrum of renewable energy sources, including wind power, biodiesel, biomass, methane digesters, ethanol, and solar, benefits the environment and will have a direct economic benefit to agricultural landowners and rural communities; and

WHEREAS, rural communities and agriculture sectors will experience multiple benefits, including establishing additional markets for agricultural commodities, increasing farm income, creating added-value uses for crops, livestock, and their byproducts, more productive use of marginal lands, the resolution of air, water, and soil quality problems that may arise from agricultural operations, improving wildlife habitat, and creating many new job opportunities; and

WHEREAS, solar and wind energy can be captured on the vast land areas managed by American agriculture, and technology and production capabilities allow America's farmers and ranchers to play a major role in ensuring a fully sustainable national energy system; and

WHEREAS, American agriculture is well-positioned to play an expanded role in the development and implementation of new energy solutions and, with appropriate technological innovation, incentives, and investments, America's farms and ranches can become the factories that produce a new generation of fuels to help meet the nation's energy needs; and

WHEREAS, "25 by 25" is an agriculturally led initiative that envisions America's farms and ranches producing twenty-five percent of America's energy demand by the year 2025 while continuing to produce abundant, safe, and affordable food and fiber; and

WHEREAS, agriculture's role as an energy producer will have a positive effect on national security and trade imbalances and will serve as a catalyst for rural development in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature supports the vision of "25 by 25", whereby agriculture will provide twenty-five percent of the total energy consumed in the United States by the year 2025, while continuing to produce abundant, safe, and affordable food and fiber.

2. That copies of this resolution be sent to the Nebraska Congressional

Delegation, the Majority Leader and Minority Leader of the U.S. Senate, the Speaker of the U.S. House of Representatives, the Majority and Minority Leader of the U.S. House of Representatives, and President George W. Bush.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR 441 was referred to the Reference Committee.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	**Committee**
LR 441	Agriculture

(Signed) L. Patrick Engel, Chairperson
Legislative Council, Executive Board

VISITORS

Visitors to the Chamber were Kristine Kubik from Prague; 45 high school students and teacher from Ralston; 50 fifth-grade students and teachers from Meadowlark Elementary School, Kearney; and 23 twelfth-grade students and sponsors from Cambridge.

The Doctor of the Day was Dr. Derrick Anderson from Lincoln.

ADJOURNMENT

At 1:29 p.m., on a motion by Senator Price, the Legislature adjourned until 10:00 a.m., Monday, April 3, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-THIRD DAY - APRIL 3, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 3, 2006

PRAYER

The prayer was offered by Senator Combs.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Dw. Pedersen who was excused; and Senators Brashear, Burling, Landis, Preister, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-second day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 925. Placed on Select File as amended.
(E & R amendment, AM7208, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 1256. Placed on Select File as amended.
(E & R amendment, AM7213, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 1006. Placed on Select File as amended.
E & R amendment to LB 1006:
AM7207

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval

or rejection:

To amend Article VII, sections 7, 8, and 9:

VII-7 The following are hereby declared to be perpetual funds for common school and early childhood educational purposes of which the annual interest or income only can be appropriated, to wit:

First. Such ~~per cent~~ percent as has been, or may hereafter be, granted by Congress on the sale of lands in this state.

Second. All money arising from the sale or leasing of sections number sixteen and thirty-six in each township in this state, and the lands selected, or that may be selected, in lieu thereof.

Third. The proceeds of all lands that have been, or may hereafter be, granted to this state, where by the terms and conditions of such grant the same are not to be otherwise appropriated.

Fourth. The net proceeds of lands and other property and effects that may come to this state, by escheat or forfeiture, or from unclaimed dividends, or distributive shares of the estates of deceased persons.

Fifth. All other property of any kind now belonging to the perpetual fund.

VII-8 All funds belonging to the state for common school and early childhood educational purposes, the interest and income whereof only are to be used, shall be deemed trust funds. Such funds with the interest and income thereof are hereby solemnly pledged to the purposes for which they are granted and set apart and shall not be transferred to any other fund for other uses. The state shall supply any net aggregate losses thereof realized at the close of each calendar year that may in any manner accrue. Notwithstanding any other provisions in ~~the~~ this Constitution, such funds shall be invested as the Legislature may by statute provide.

VII-9 (1) The following funds shall be exclusively used for the support and maintenance of the common schools in each school district in the state or for early childhood education as provided in subsection (3) of this section, as the Legislature shall provide:

~~a.~~ (a) Income arising from the perpetual funds;

~~b.~~ (b) The income from the unsold school lands, except that costs of administration shall be deducted from the income before it is so applied;

~~c.~~ (c) All other grants, gifts, and devises that have been or may hereafter be made to the state which are not otherwise appropriated by the terms of the grant, gift, or devise; and

~~d.~~ (d) Such other support as the Legislature may provide.

(2) No distribution or appropriation shall be made to any school district for the year in which school is not maintained for the minimum term required by law.

(3)(a) An early childhood education endowment fund shall be created for the purpose of supporting early childhood education in this state as provided by the Legislature.

(b) An amount equal to forty million dollars or ten percent of the value of the funds belonging to the state for common school and early childhood educational purposes described in Article VII, section 7, of this Constitution, whichever is greater, shall be allocated for the early childhood education endowment fund. The Legislature may also allocate additional funds from the funds belonging to the state for common school and early childhood educational purposes described in Article VII, section 7, of this Constitution for the early childhood education endowment fund.

(c) Only interest or income on such early childhood education endowment fund may be appropriated as provided by the Legislature for the benefit of the common schools and for the exclusive purpose of supporting early childhood education in this state.

(d) For purposes of Article VII of this Constitution, early childhood education means programs promoting social, emotional, intellectual, language, physical, and aesthetic development and learning for children from birth to kindergarten-entrance age.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to permit use of funds dedicated to the schools for common school and early childhood educational purposes.

For

Against.

2. On page 1, strike beginning with "schools" in line 1 through line 6 and insert "educational lands and funds; to provide for submission to the electors of an amendment to the Constitution of Nebraska by amending Article VII, sections 7, 8, and 9, to permit the use of funds dedicated to the schools for common school and early childhood educational purposes; and to provide for the time and manner of submission and the ballot language for submission.".

LEGISLATIVE BILL 239. Placed on Select File as amended.
E & R amendment to LB 239:
AM7211

1. On page 4, line 14, strike "Registers" and insert "Registered"; in line 15 strike "2005" and insert "2006"; and in line 17 strike "Provides" and insert "Provided".

LEGISLATIVE BILL 489. Placed on Select File as amended.
(E & R amendment, AM7212, is printed separately and available in the Bill

Room, Room 1104.)

LEGISLATIVE BILL 845. Placed on Select File as amended.
E & R amendment to LB 845:
AM7214

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 53-101, Reissue Revised Statutes of Nebraska, is amended to read:

53-101 Sections 53-101 to 53-1,122 and section 3 of this act shall be known and may be cited as the Nebraska Liquor Control Act.

Sec. 2. Section 53-132, Reissue Revised Statutes of Nebraska, is amended to read:

53-132 (1) If no hearing is required pursuant to subdivision (1)(a) or (b) of section 53-133 and the commission has no objections pursuant to subdivision (1)(c) of such section, the commission may waive the forty-five-day objection period and, if not otherwise prohibited by law, cause a retail license or craft brewery license to be signed by its chairperson, attested by its executive director over the seal of the commission, and issued in the manner provided in subsection (4) of this section as a matter of course.

(2) A retail license or craft brewery license ~~shall~~ may be issued to any qualified applicant if the commission finds that (a) the applicant is fit, willing, and able to properly provide the service proposed within the city, village, or county where the premises described in the application are located, (b) the applicant can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, (c) the applicant has demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the act, and (d) the issuance of the license is or will be required by the present or future public convenience and necessity.

(3) In making its determination pursuant to subsection (2) of this section the commission shall consider:

(a) The recommendation of the local governing body;

(b) The existence of a citizens' protest made in accordance with section 53-133;

(c) The existing population of the city, village, or county and its projected growth;

(d) The nature of the neighborhood or community of the location of the proposed licensed premises;

(e) The existence or absence of other retail licenses or craft brewery licenses with similar privileges within the neighborhood or community of the location of the proposed licensed

premises and whether the issuance of such license would result in or add to an undue concentration of licenses with similar privileges and, as a result, require the use of additional law enforcement resources;

(f) The existing motor vehicle and pedestrian traffic flow in the vicinity of the proposed licensed premises;

(g) The adequacy of existing law enforcement;

(h) Zoning restrictions;

(i) The sanitation or sanitary conditions on or about the proposed licensed premises; and

(j) Whether the type of business or activity proposed to be operated in conjunction with the proposed license is and will be consistent with the public interest.

(4) Retail licenses or craft brewery licenses issued or renewed by the commission shall be mailed or delivered to the clerk of the city, village, or county who shall deliver the same to the licensee upon receipt from the licensee of proof of payment of (a) the license fee if by the terms of subdivision (5) of section 53-124 the fee is payable to the treasurer of such city, village, or county, (b) any fee for publication of notice of hearing before the local governing body upon the application for the license, (c) the fee for publication of notice of renewal as provided in section 53-135.01, and (d) occupation taxes, if any, imposed by such city, village, or county. Notwithstanding any ordinance or charter power to the contrary, no city, village, or county shall impose an occupation tax on the business of any person, firm, or corporation licensed under the act and doing business within the corporate limits of such city or village or within the boundaries of such county in any sum which exceeds two times the amount of the license fee required to be paid under the act to obtain such license.

(5) Each license shall designate the name of the licensee, the place of business licensed, and the type of license issued.

Sec. 3. (1) On or before January 1, 2007, the commission shall adopt and promulgate rules and regulations governing programs which provide training for persons employed in the sale and service of alcoholic liquor and management of licensed premises. Such rules and regulations may include, but need not be limited to:

(a) Minimum standards governing training of beverage servers, including standards and requirements governing curriculum, program trainers, and certification requirements;

(b) Minimum standards governing training in management of licensed premises, including standards and requirements governing curriculum, program trainers, and certification requirements;

(c) Minimum standards governing the methods allowed for training programs which may include the Internet, interactive video, live training in various locations across the state, and other means deemed appropriate by the commission;

(d) Methods for approving beverage-server training organizations and programs. All beverage-server training programs approved by the commission shall issue a certificate of completion to all persons who successfully complete the program and shall provide the names of all persons completing the program to the commission;

(e) Enrollment fees in an amount determined by the commission to be necessary to cover the expense of enrolling in a training program offered by the commission pursuant to subsection (2) of this section, but not to exceed thirty dollars; and

(f) Procedures and fees for certification, which fees shall be in an amount determined by the commission to be sufficient to defray the expenses associated with maintaining a list of persons certified under this section and issuing proof of certification to eligible individuals but shall not exceed twenty dollars.

(2) The commission may create a program to provide training for persons employed in the sale and service of alcoholic liquor and management of licensed premises. The program shall include training on the issues of sales and service of alcoholic liquor to minors and to visibly inebriated purchasers. The commission may charge each person enrolling in the program an enrollment fee as provided in the rules and regulations. All such fees shall be collected by the commission and remitted to the State Treasurer for credit to the Nebraska Liquor Control Commission Rule and Regulation Cash Fund.

(3) A person who has completed a training program which complies with the rules and regulations, whether such program is offered by the commission or by another organization, may become certified by the commission upon the commission receiving evidence that he or she has completed such program and the person seeking certification paying the certification fee established under this section.

Sec. 4. Original sections 53-101 and 53-132, Reissue Revised Statutes of Nebraska, are repealed.

2. On page 1, line 2, strike "section 53-132" and insert "sections 53-101 and 53-132"; in line 4 after the semicolon insert "to provide for beverage-server and licensee training and certification; to harmonize provisions;" and strike "section" and insert "sections".

(Signed) Michael Flood, Chairperson

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

The Nebraska Retirement Systems Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

David L. Bomberger - State Investment Officer

VOTE: Aye: Senators Patrick Bourne, Philip Erdman, Don Pederson, Marian Price and Elaine Stuhr. Nay: None. Absent: Senator John Synowiecki.

(Signed) Elaine Stuhr, Chairperson

NOTICE OF COMMITTEE HEARINGS
Health and Human Services
Room 1510

Tuesday, April 11, 2006 8:45 a.m.
Patricia Madsen - Child Abuse Prevention Fund Board

(Signed) Jim Jensen, Chairperson

Agriculture
Room 1524

LR 441 Monday, April 10, 2006 9:00 a.m.

(Signed) Bob Kremer, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1256A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 2 nays, 16 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 990A. Advanced to E & R for engrossment.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 968 with 37 ayes, 2 nays, 5 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 968. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.02, 77-2716.03, 77-3501.01, and 77-3505.02, Reissue Revised Statutes of Nebraska, sections 77-2704.55, 77-2716.01, and 77-5023, Revised Statutes Cumulative Supplement, 2004, and sections 66-1345.04, 77-201, 77-2701, 77-2701.04, 77-2715.07, 77-2716, 77-3442, and 79-1016, Revised Statutes Supplement, 2005; to change intent relating to funding of the Ethanol Production Incentive Cash Fund; to change taxable valuation provisions relating to agricultural land and horticultural land; to exempt housing agencies from certain sales and use taxes; to change provisions relating to the sales and use tax on contractor labor; to change income tax rate schedules; to provide an income tax credit as prescribed; to change provisions relating to income tax income and liability adjustments and personal exemptions; to change property tax levy limitations; to change provisions relating to homestead exemptions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Aguilar	Cudaback	Howard	McDonald	Smith
Baker	Cunningham	Hudkins	Mines	Stuhr
Beutler	Engel	Janssen	Pahls	Stuthman
Bourne	Erdman	Jensen	Pederson, D.	Synowiecki
Brown	Fischer	Johnson	Price	Thompson
Byars	Flood	Kremer	Raikes	Wehrbein
Combs	Foley	Landis	Redfield	
Connealy	Friend	Langemeier	Schimek	
Cornett	Heidemann	Louden	Schrock	

Voting in the negative, 2:

Kopplin	Kruse

Present and not voting, 1:

Chambers

Excused and not voting, 4:

Brashear	Burling	Pedersen, Dw.	Preister

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 968A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 968, Ninety-ninth Legislature, Second Session, 2006; to provide for transfers; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Aguilar	Cornett	Heidemann	Langemeier	Schimek
Baker	Cudaback	Howard	Louden	Schrock
Beutler	Cunningham	Hudkins	McDonald	Smith
Bourne	Engel	Janssen	Mines	Stuhr
Brown	Erdman	Jensen	Pahls	Stuthman
Burling	Fischer	Johnson	Pederson, D.	Synowiecki
Byars	Flood	Kopplin	Price	Thompson
Combs	Foley	Kremer	Raikes	Wehrbein
Connealy	Friend	Kruse	Redfield	

Voting in the negative, 0.

Present and not voting, 2:

Chambers Landis

Excused and not voting, 3:

Brashear Pedersen, Dw. Preister

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 75.

A BILL FOR AN ACT relating to political subdivisions; to provide for submission to the electors of an amendment to the Constitution of Nebraska by amending Article XI, section 1, to authorize the investment of public endowment funds by political subdivisions subject to limitations as provided by the Legislature; and to provide for the time and manner of submission and the ballot language for submission.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Aguilar	Cudaback	Howard	McDonald	Smith
Baker	Cunningham	Hudkins	Mines	Stuhr
Beutler	Engel	Janssen	Pahls	Stuthman
Bourne	Erdman	Jensen	Pederson, D.	Synowiecki
Burling	Fischer	Johnson	Price	Thompson
Byars	Flood	Kopplin	Raikes	Wehrbein
Combs	Foley	Kremer	Redfield	
Connealy	Friend	Kruse	Schimek	
Cornett	Heidemann	Langemeier	Schrock	

Voting in the negative, 0.

Present and not voting, 4:

Brown	Chambers	Landis	Louden

Excused and not voting, 3:

Brashear	Pedersen, Dw.	Preister

A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed for the general election.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 188 with 39 ayes, 2 nays, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 188.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 32-1601, 32-1602, 32-1604, 32-1604.01, 32-1606, 32-1607, 32-1608, 32-1608.01, 32-1608.03, 32-1612, 49-1463, and 49-14,126, Reissue Revised Statutes of Nebraska, and sections 32-1603, 49-1446.04, 49-1463.01, 49-14,124, and 49-14,125, Revised Statutes Supplement, 2005; to redefine a term; to change provisions regarding campaign expenditures and public funds; to provide for loans and late fees; to change penalty provisions; to change powers and duties of the Nebraska Accountability and Disclosure Commission; to eliminate unconstitutional provisions; to harmonize provisions; to provide an operative date; to repeal the original

sections; and to outright repeal section 32-1614, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Aguilar	Cornett	Janssen	Mines	Schrock
Beutler	Cunningham	Johnson	Pahls	Stuhr
Byars	Foley	Kopplin	Pederson, D.	Stuthman
Chambers	Friend	Kremer	Price	Synowiecki
Combs	Howard	Kruse	Raikes	Thompson
Connealy	Hudkins	McDonald	Schimek	Wehrbein

Voting in the negative, 10:

Baker	Erdman	Flood	Langemeier	Redfield
Brown	Fischer	Jensen	Louden	Smith

Present and not voting, 6:

Bourne	Cudaback	Heidemann
Burling	Engel	Landis

Excused and not voting, 3:

Brashear	Pedersen, Dw.	Preister

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 287. With Emergency.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2004; to state intent; to define terms; to prohibit picketing of a funeral as prescribed; to provide a penalty; to harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Aguilar	Cornett	Heidemann	Langemeier	Schimek
Baker	Cudaback	Howard	Louden	Schrock
Beutler	Cunningham	Hudkins	McDonald	Smith
Bourne	Engel	Janssen	Mines	Stuhr
Brown	Erdman	Jensen	Pahls	Stuthman
Burling	Fischer	Johnson	Pederson, D.	Synowiecki
Byars	Flood	Kopplin	Price	Thompson
Combs	Foley	Kremer	Raikes	Wehrbein
Connealy	Friend	Kruse	Redfield	

Voting in the negative, 0.

Present and not voting, 2:

Chambers Landis

Excused and not voting, 3:

Brashear Pedersen, Dw. Preister

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 562 with 39 ayes, 2 nays, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 562.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-103, 53-123.04, 53-123.11, 53-124.11, 53-124.12, and 60-6,211.08, Reissue Revised Statutes of Nebraska; to redefine alcohol to include the gaseous form; to permit removal of opened bottles of wine from licensed premises; to permit a farm winery to obtain a special designated license and a catering license; to eliminate a reporting requirement; to harmonize provisions; to repeal the original sections; and to outright repeal section 53-167.04, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Aguilar	Connealy	Friend	Kruse	Redfield
Baker	Cornett	Heidemann	Langemeier	Schimek
Beutler	Cudaback	Howard	Louden	Schrock
Bourne	Cunningham	Hudkins	McDonald	Smith
Brown	Engel	Janssen	Mines	Stuhr
Burling	Erdman	Jensen	Pahls	Stuthman
Byars	Fischer	Johnson	Pederson, D.	Synowiecki
Chambers	Flood	Kopplin	Price	Thompson
Combs	Foley	Kremer	Raikes	Wehrbein

Voting in the negative, 0.

Present and not voting, 1:

Landis

Excused and not voting, 3:

Brashear Pedersen, Dw. Preister

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 876 with 39 ayes, 2 nays, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 876. With Emergency.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-148.04, 8-179, 45-335, 45-336, 45-701, 45-702, 45-709, 45-714, 45-717, 45-717.01, 45-901, 45-906, 45-907, 45-911, 45-912, 45-915, 45-916, 45-917, 45-919, 45-922, 45-925, 45-1002, 45-1007, and 45-1026, Reissue Revised Statutes of Nebraska, sections 8-141, 8-178, 8-1001.01, 8-1008, 8-1010, 8-1012, 8-1111, 8-1601, 8-1602, 8-1605, 76-1006, 76-1007, 76-1008, and 76-1012, Revised Statutes Cumulative Supplement, 2004, sections 8-1,140, 8-355, 21-17,115, 45-706, 45-707, and 45-1024, Revised Statutes Supplement, 2005, and sections 9-705 and 9-707, Uniform Commercial Code, Reissue Revised Statutes of Nebraska; to adopt the Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006; to change provisions relating to state-chartered bank loan limits; to change community development investment conditions; to change provisions relating to the reorganization of nationally-chartered banks as state-chartered banks; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change and provide

enforcement powers and procedures under the Nebraska Sale of Checks and Funds Transmission Act; to provide for a transaction exempt from registration under the Securities Act of Nebraska; to change provisions relating to bankers banks; to change provisions, provide enforcement powers and procedures, and change administrative fines under the Mortgage Bankers Registration and Licensing Act; to change provisions relating to the Delayed Deposit Services Licensing Act; to change provisions relating to installment sales and loans and to define terms; to change requirements relating to charges, loan fees, and the writing of loans or other products or services as prescribed; to change provisions relating to the sale of trust property; to eliminate obsolete provisions; to change provisions relating to the effectiveness of certain secured transactions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Aguilar	Connealy	Friend	Kruse	Redfield
Baker	Cornett	Heidemann	Langemeier	Schimek
Beutler	Cudaback	Howard	Louden	Smith
Bourne	Cunningham	Hudkins	McDonald	Stuhr
Brown	Engel	Janssen	Mines	Stuthman
Burling	Erdman	Jensen	Pahls	Synowiecki
Byars	Fischer	Johnson	Pederson, D.	Thompson
Chambers	Flood	Kopplin	Price	Wehrbein
Combs	Foley	Kremer	Raikes	

Voting in the negative, 0.

Present and not voting, 2:

Landis Schrock

Excused and not voting, 3:

Brashear Pedersen, Dw. Preister

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 915.

A BILL FOR AN ACT relating to public health; to define terms; to provide

for standards and procedures for rehabilitation of clandestine drug lab sites; and to provide powers and duties.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Aguilar	Connealy	Heidemann	Langemeier	Schimek
Baker	Cudaback	Howard	Louden	Schrock
Beutler	Cunningham	Hudkins	McDonald	Smith
Bourne	Engel	Janssen	Mines	Stuhr
Brown	Erdman	Jensen	Pahls	Stuthman
Burling	Fischer	Johnson	Pederson, D.	Synowiecki
Byars	Flood	Kopplin	Price	Thompson
Chambers	Foley	Kremer	Raikes	Wehrbein
Combs	Friend	Kruse	Redfield	

Voting in the negative, 0.

Present and not voting, 2:

Cornett Landis

Excused and not voting, 3:

Brashear Pedersen, Dw. Preister

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1069.

A BILL FOR AN ACT relating to transportation; to amend sections 75-109.01, 75-302, 75-370, and 75-371, Reissue Revised Statutes of Nebraska; to provide for reimbursement of transportation costs for eligible persons as prescribed; to eliminate certain provisions related to transportation of hazardous materials; to harmonize provisions; to repeal the original sections; and to outright repeal sections 75-383 and 75-384, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Aguilar	Connealy	Heidemann	Louden	Smith
Baker	Cornett	Howard	McDonald	Stuhr
Beutler	Cudaback	Hudkins	Mines	Stuthman
Bourne	Cunningham	Janssen	Pahls	Synowiecki
Brashear	Engel	Jensen	Pederson, D.	Thompson
Brown	Erdman	Johnson	Price	Wehrbein
Burling	Fischer	Kopplin	Raikes	
Byars	Flood	Kremer	Redfield	
Chambers	Foley	Kruse	Schimek	
Combs	Friend	Langemeier	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Landis

Excused and not voting, 2:

Pedersen, Dw. Preister

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1069A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1069, Ninety-ninth Legislature, Second Session, 2006; and to reduce appropriations.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Aguilar	Combs	Foley	Kremer	Raikes
Baker	Connealy	Friend	Kruse	Redfield
Beutler	Cornett	Heidemann	Langemeier	Schimek
Bourne	Cudaback	Howard	Louden	Schrock
Brashear	Cunningham	Hudkins	McDonald	Stuhr
Brown	Engel	Janssen	Mines	Stuthman
Burling	Erdman	Jensen	Pahls	Synowiecki
Byars	Fischer	Johnson	Pederson, D.	Thompson
Chambers	Flood	Kopplin	Price	Wehrbein

Voting in the negative, 0.

Present and not voting, 2:

Landis Smith

Excused and not voting, 2:

Pedersen, Dw. Preister

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER BRASHEAR PRESIDING

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 317, 326, and 335 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 317, 326, and 335.

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 968, 968A, 75, 188, 287, 562, 876, 915, 1069, and 1069A.

WITHDRAW - Amendment to LB 994

Senator Jensen withdrew his pending amendment, AM2926, printed separately and referred to on page 1270, to LB 994.

MOTION - Return LB 994 to Select File

Senator Jensen moved to return LB 994 to Select File for the following specific amendment:
(Amendment, AM2984, is on file and available in the Clerk's Office, Room 2014.)

The Jensen motion to return prevailed with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 994. The Jensen specific amendment, AM2984, on file and referred to in this day's Journal, was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 994 to Select File

Senator Thompson moved to return LB 994 to Select File for the following specific amendment:
AM3034

(Amendments to E & R amendments, AM7178)

1. Insert the following new sections:

Section 1. The Legislature finds that sudden infant death syndrome is the sudden, unexpected death of an apparently healthy infant less than one year of age that remains unexplained after the performance of a complete postmortem investigation, including an autopsy, an examination of the scene of death, and a review of the medical history. The Legislature further finds that, despite the success of prevention efforts, sudden infant death syndrome has been the second leading cause of death for infants in Nebraska for the last twenty years. Although there are no known ways to prevent sudden infant death syndrome in all cases, there are steps that parents and caregivers can take to reduce the risk of sudden infant death. The Legislature further finds and declares that there is a present and growing need to provide additional programs aimed at reducing the number of cases of sudden infant death syndrome in Nebraska.

Sec. 2. The Legislature finds that shaken baby syndrome is the medical term used to describe the violent shaking of an infant or child and the injuries or other results sustained by the infant or child. The Legislature further finds that shaken baby syndrome may occur when an infant or child is violently shaken as part of a pattern of abuse or because an adult has momentarily succumbed to the frustration of responding to a crying infant or child. The Legislature further finds that these injuries can include brain swelling and damage, subdural hemorrhage, mental retardation, or death. The Legislature further finds and declares that there is a present and growing need to provide programs aimed at reducing the number of cases of shaken baby syndrome in Nebraska.

Sec. 3. Every hospital, birth center, or other medical facility that discharges a newborn child shall request that each maternity patient and father of a newborn child, if available, view a video presentation and read printed materials, approved by the Department of Health and Human Services, on the dangers of shaking infants and children, the symptoms of shaken baby syndrome, the dangers associated with rough handling or the striking of an infant, safety measures which can be taken to prevent sudden infant death, and the dangers associated with infants sleeping in the same bed with other children or adults. After viewing the presentation and reading the materials or upon a refusal to do so, the hospital, birth center, or other medical facility shall request that the mother and father, if available, sign a form stating that he or she has viewed and read or refused to view and read the presentation

and materials. Such presentation, materials, and forms shall be provided by the department.

Sec. 4. The Department of Health and Human Services shall conduct public awareness activities designed to promote the prevention of sudden infant death syndrome and shaken baby syndrome. The public awareness activities may include, but not be limited to, public service announcements, information kits and brochures, and the promotion of preventive telephone hotlines.

Sec. 5. Section 43-2606, Reissue Revised Statutes of Nebraska, is amended to read:

43-2606 (1) The Department of Health and Human Services Regulation and Licensure shall adopt and promulgate rules and regulations for mandatory training requirements for providers of child care and school-age-care programs. Such requirements shall include preservice orientation and at least four hours of annual inservice training. All child care programs required to be licensed under section 71-1911 shall show completion of a preservice orientation approved or delivered by the department prior to receiving a provisional license.

(2) The department shall initiate a system of documenting the training levels of staff in specific child care settings to assist parents in selecting optimal care settings.

(3) The training requirements shall be designed to meet the health, safety, and developmental needs of children and shall be tailored to the needs of licensed providers of child care programs. The training requirements for providers of child care programs shall include, but not be limited to, information on sudden infant death syndrome, shaken baby syndrome, and child abuse.

(4) The department shall provide or arrange for training opportunities throughout the state and shall provide information regarding training opportunities to all providers of child care programs at the time of registration or licensure, when renewing a registration, or on a yearly basis following licensure.

(5) Each provider of child care and school-age-care programs receiving orientation or training shall provide his or her social security number to the department.

~~(6) Rules and regulations adopted and promulgated under this section by the Department of Health and Human Services shall be deemed adopted and promulgated by the Department of Health and Human Services Regulation and Licensure on and after August 28, 1999.~~

Sec. 6. Section 79-1902, Reissue Revised Statutes of Nebraska, is amended to read:

79-1902 (1) The State Department of Education, in cooperation with the Department of Health and Human Services, the Department of Health and Human Services Regulation and Licensure, and the Department of Health and Human Services Finance and Support shall develop a packet entitled "Learning Begins at Birth" to be

given to the parents of each child born in this state on and after January 1, 2003.

(2) The packet shall contain information about child development, child care, how children learn, children's health including, on and after the operative date of this section, information on the prevention of sudden infant death syndrome and shaken baby syndrome, services available to children and parents, and any other information deemed relevant by the Department of Health and Human Services, the Department of Health and Human Services Regulation and Licensure, the Department of Health and Human Services Finance and Support, or the State Department of Education. The State Department of Education shall indicate which information in the packet is appropriate for the parents of infants, for the parents of toddlers, and for the parents of preschoolers.

(3) The State Department of Education shall develop a variety of types of the packet, based on the needs of parents. The information in the packets may be in the form of printed material or in the form of video tapes, audio cassettes, or other appropriate media.

Sec. 7. Original sections 43-2606 and 79-1902, Reissue Revised Statutes of Nebraska, are repealed.

2. Renumber the remaining sections and correct internal references accordingly.

3. Correct the operative date and repealer sections so that the sections added by this amendment become operative three calendar months after the adjournment of this legislative session.

The Thompson motion to return prevailed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 994. The Thompson specific amendment, AM3034, found in this day's Journal, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 994 to Select File

Senator Erdman moved to return LB 994 to Select File for the following specific amendment:
FA667

Amendment to AM3034

Page 2, line 22 strike shall and insert may.

The Erdman motion to return prevailed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 994. The Erdman specific amendment, FA667, found in this day's Journal, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 856 to Select File

Senator Mines moved to return LB 856 to Select File for his specific pending amendment, AM2886, found on page 1198.

The Mines motion to return prevailed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 856. The Mines specific pending amendment, AM2886, found on page 1198, was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 856 to Select File

Senator Raikes moved to return LB 856 to Select File for the following specific amendment:
AM3018

(Amendments to Final Reading copy)

1. On page 11, line 1, strike "eight" and insert "seven".

Senator Raikes withdrew his motion to return.

MOTION - Return LB 856A to Select File

Senator Mines moved to return LB 856A to Select File for his specific pending amendment, AM2887, found on page 1179.

The Mines motion to return prevailed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 856A. The Mines specific pending amendment, AM2887, found on page 1179, was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 962A to Select File

Senator Price moved to return LB 962A to Select File for her specific pending amendment, AM2946, found on page 1299.

The Price motion to return prevailed with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 962A. The Price specific pending amendment, AM2946, found on page 1299, was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 819 to Select File

Senator Mines moved to return LB 819 to Select File for his specific pending amendment, AM2547, found on page 874.

The Mines motion to return prevailed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 819. The Mines specific pending amendment, AM2547, found on page 874, was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

LEGISLATIVE BILL 1010. E & R amendment, AM7197, found on page 1223, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 898. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1107. E & R amendment, AM7201, found on page 1321, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 904. E & R amendment, AM7205, found on page 1326, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1148. E & R amendment, AM7202, found on page 1322, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1038. E & R amendment, AM7203, found on page 1324, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 808. Senator Kopplin renewed the Kopplin et al. pending amendment, AM2931, found on page 1286.

The Kopplin et al. amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senators Raikes and Landis offered the following amendment:
(Amendment, AM3003, is on file and available in the Clerk's Office, Room 2014.)

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1222A. Introduced by Baker, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1222, Ninety-ninth Legislature, Second Session, 2006; and to declare an emergency.

AMENDMENTS - Print in Journal

Senator Kruse filed the following amendment to LB 845:
AM2996

(Amendments to E & R amendments, AM7214)

1. On page 5, line 12, after "regulations" insert ", but such fee shall not exceed thirty dollars".

Senator Howard filed the following amendment to LB 1024:
AM3013

(Amendments to Standing Committee amendments, AM2687)

1. Strike sections 96 and 102.
2. On page 18, strike lines 4 through 12.

3. On page 147, strike beginning with the comma in line 19 through "(3)" in line 24 and insert "and (2)".

4. Renumber the remaining sections, amend the repealer, and correct internal references accordingly.

Senator Howard filed the following amendment to LB 1024:
AM3017

(Amendments to Standing Committee amendments, AM2687)

1. On page 151, line 21, strike "one-third" and insert "fifty percent".

Senator Howard filed the following amendment to LB 1024:
AM3014

(Amendments to Standing Committee amendments, AM2687)

1. Strike section 109 and insert the following new section:

Sec. 109. (1) A learning community shall be governed by a coordinating council composed of eleven members, elected on a nonpartisan ballot, from election districts as provided in subsection (2) of this section.

(2) Election districts for each learning community shall be drawn by the election commissioners of the counties in which the member school districts of the learning community are located and shall contain substantially equal population. Election districts shall be redrawn after each federal decennial census to ensure that such election districts continue to contain substantially equal population.

(3)(a) For a learning community established before January 1, 2008, the initial coordinating council members shall be appointed as provided in subsection (2) of section 106 of this act and their successors shall be elected pursuant to this section in the 2008 general election and shall take office beginning in January 2009. Candidates from even-numbered election districts shall be elected for two-year terms at the statewide general election in 2008 and for four-year terms each four years thereafter. Candidates from odd-numbered election districts shall be elected for four-year terms at the statewide general election in 2008 and each four years thereafter.

(b) For a learning community established on or after January 1, 2008, the initial coordinating council members shall be appointed as provided in subsection (2) of section 106 of this act and their successors shall be elected pursuant to this section in the next statewide general election following establishment of the learning community and shall take office beginning the following January. Candidates from even-numbered election districts shall be elected for two-year terms at the first statewide general election in which coordinating council members are elected under this subdivision and for four-year terms at the statewide general election each four years thereafter. Candidates from odd-numbered

election districts shall be elected for four-year terms at the first statewide general election in which coordinating council members are elected under this subdivision and at the statewide general election each four years thereafter.

(4) Members of a learning community coordinating council shall receive no compensation but shall be reimbursed for their actual and necessary expenses incurred in serving as members of such council as provided in sections 81-1174 to 81-1177.

Senator Schrock filed the following amendment to LB 1226:
AM2990

(Amendments to Standing Committee amendments, AM2578)

1. Strike section 15 and insert the following new section:

Sec. 15. Section 46-602, Reissue Revised Statutes of Nebraska, as amended by section 2, Legislative Bill 508, Ninety-ninth Legislature, Second Session, 2006, is amended to read:

46-602 (1) Each water well completed in this state on or after July 1, 2001, excluding test holes and dewatering wells to be used for less than ninety days, shall be registered with the Department of Natural Resources as provided in this section within sixty days after completion of construction of the water well. The water well contractor as defined in section 46-1213 constructing the water well, or the owner of the water well if the owner constructed the water well, shall file the registration on a form made available by the department and shall also file with the department the information from the well log required pursuant to section 46-1241. The department shall, by January 1, 2002, provide water well contractors with the option of filing such registration forms electronically. No signature shall be required on forms filed electronically. The fee required by subsection (3) of section 46-1224 shall be the source of funds for any required fee to a contractor which provides the on-line services for such registration. Any discount in the amount paid the state by a credit card, charge card, or debit card company or a third-party merchant bank for such registration fees shall be deducted from the portion of the registration fee collected pursuant to section 46-1224.

(2)(a) If the newly constructed water well is a replacement water well, the registration form shall include (i) the registration number of the water well being replaced, if applicable, and (ii) the date the original water well was decommissioned or a certification that the water well will be decommissioned within one hundred eighty days or a certification that the original water well will be modified and equipped to pump fifty gallons per minute or less and will be used only for livestock, monitoring, observation, or any other nonconsumptive use or de minimus use approved by the applicable natural resources district.

(b) For purposes of this section, replacement water well

means a water well which is constructed to provide water for the same purpose as the original water well and is operating in accordance with any applicable permit from the department and any applicable rules and regulations of the natural resources district and, if the purpose is for irrigation, the replacement water well delivers water to the same tract of land served by the original water well and (i) replaces an abandoned water well within three years after the last operation of the abandoned water well and the original water well is decommissioned either before or within one hundred eighty days after such construction, (ii) replaces a water well that has not been abandoned but will not be used after construction of the new water well and the original water well will be decommissioned within one hundred eighty days after such construction, except that in the case of a municipal water well, the original municipal water well may be used after construction of the new water well but shall be decommissioned within one year after completion of the replacement water well, or (iii) will continue to be used but will be modified and equipped within one hundred eighty days after such construction of the replacement water well to pump fifty gallons per minute or less and will be used only for livestock, monitoring, observation, or any other nonconsumptive or de minimus use and approved by the applicable natural resources district.

(c) No water well shall be registered as a replacement water well until the Department of Natural Resources has received a properly completed notice of decommissioning for the water well being replaced on a form made available by the department, or properly completed notice, prepared in accordance with subsection (7) of this section, of the modification and equipping of the original water well to pump fifty gallons per minute or less for use only for livestock, monitoring, observation, or any other nonconsumptive or de minimus use approved by the applicable natural resources district. Such notices, as required, shall be completed by (i) the water well contractor as defined in section 46-1213 who decommissions the water well or modifies and equips the water well, (ii) the pump installation contractor as defined in section 46-1209 who decommissions the water well or modifies and equips the water well, or (iii) the owner if the owner decommissions a driven sandpoint well which is on land owned by him or her for farming, ranching, or agricultural purposes or as his or her place of abode. The Department of Health and Human Services Regulation and Licensure shall, by rule and regulation, determine which contractor or owner shall be responsible for such notice in situations in which more than one contractor or owner may be required to provide notice under this subsection.

(3) For a series of two or more water wells completed and pumped into a common carrier as part of a single site plan for irrigation purposes, a registration form and a detailed site plan shall be filed for each water well. The registration form shall

include the registration numbers of other water wells included in the series if such water wells are already registered.

(4) A series of water wells completed for purposes of installation of a ground heat exchanger for a structure for utilizing the geothermal properties of the ground shall be considered as one water well. One registration form and a detailed site plan shall be filed for each such series.

(5) One registration form shall be required along with a detailed site plan which shows the location of each such water well in the site and a log from each such water well for water wells constructed as part of a single site plan for (a) monitoring ground water, obtaining hydrogeologic information, or extracting contaminants from the ground, (b) water wells constructed as part of remedial action approved by the Department of Environmental Quality pursuant to section 66-1525, 66-1529.02, or 81-15,124, and (c) water well owners who have a permit issued pursuant to the Industrial Ground Water Regulatory Act and also have an underground injection control permit issued by the Department of Environmental Quality.

(6) The Department of Natural Resources shall be notified by the owner of any change in the ownership of a water well required to be registered under this section. Notification shall be in such form and include such evidence of ownership as the Director of Natural Resources by rule and regulation directs. The department shall use such notice to update the registration on file. The department shall not collect a fee for the filing of the notice.

(7) The water well contractor or pump installation contractor responsible therefor shall notify the department within sixty days on a form provided by the department of any pump installation or any modifications to the construction of the water well or pump, after the initial registration of the well. For a change of use resulting in modification and equipping of an original water well which is being replaced in accordance with subsection (2) of this section, the water well contractor or pump installation contractor shall notify the department within sixty days on a form provided by the department of the water well and pump modifications and equipping of the original water well. A water well owner shall notify the department within sixty days on a form provided by the department of any other changes or any inaccuracies in recorded water well information, including, but not limited to, changes in use. The department shall not collect a fee for the filing of the notice.

(8) Whenever a water well becomes an illegal water well as defined in section 46-706, the owner of the water well shall either correct the deficiency that causes the well to be an illegal water well or shall cause the proper decommissioning of the water well in accordance with rules and regulations adopted pursuant to the Water Well Standards and Contractors' Licensing Act. The water well contractor who decommissions the water well, the pump

installation contractor who decommissions the water well, or the owner if the owner decommissions a driven sandpoint well which is on land owned by him or her for farming, ranching, or agricultural purposes or as his or her place of abode, shall provide a properly completed notice of abandonment to the Department of Natural Resources within sixty days. The Department of Health and Human Services Regulation and Licensure shall, by rule and regulation, determine which contractor or owner shall be responsible for such notice in situations in which more than one contractor or owner may be required to provide notice under this subsection. The Department of Natural Resources shall not collect a fee for the filing of the notice.

(9) Except for water wells which are used solely for domestic purposes and were constructed before September 9, 1993, and for test holes and dewatering wells used for less than ninety days, each water well which was completed in this state before July 1, 2001, and which is not registered on that date shall be an illegal water well until it is registered with the Department of Natural Resources. Such registration shall be completed by a water well contractor or by the current owner of the water well, shall be on forms provided by the department, and shall provide as much of the information required by subsections (1) through (5) of this section for registration of a new water well as is possible at the time of registration.

(10) Water wells which are or were used solely for injecting any fluid other than water into the underground water reservoir, which were constructed before July 16, 2004, and which have not been properly decommissioned on or before July 16, 2004, shall be registered on or before July 1, 2005.

2. On page 92, line 19, strike "46-602,"; in line 22 strike the first "and"; and in line 23 after the last comma insert "and section 46-602, Reissue Revised Statutes of Nebraska, as amended by section 2, Legislative Bill 508, Ninety-ninth Legislature, Second Session, 2006,".

Senators Landis and Cunningham filed the following amendment to LB 845:
AM3028

(Amendments to E & R amendments, AM7214)

1. On page 2, line 22, after "whether" insert ", as evidenced by substantive, corroborative documentation,".

Senator Bourne filed the following amendment to LB 1024:
AM3005

(Amendments to Standing Committee amendments, AM2687)

1. Strike section 19 and insert the following new section:

Sec. 19. In addition to all other authority vested in learning community coordinating councils, each learning community coordinating council shall assure that every school building in

every school district in the learning community, excluding school buildings whose enrollment is made up exclusively of special education students or students enrolled in specific remedial alternative education programs which are otherwise open to students regardless of race or socioeconomic status, has a racially and socioeconomically diverse student population. Any individual resident of a member school district of a learning community and any member school district of a learning community may institute legal action to enforce the integrative requirements of this section. For purposes of remedial court action to achieve the integrative requirements of this section, the learning community shall be considered one school district.

UNANIMOUS CONSENT - Add Cointroducers

Senator Smith asked unanimous consent to add his name as cointroducer to LB 965. No objections. So ordered.

Senator Mines asked unanimous consent to add his name as cointroducer to LB 1113. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Smith's grandmother, Birdeen Zier, and Alice Johnson from Gering; 45 fourth-grade students and teachers from St. Mary's and St. Matthew Schools, Bellevue; 45 fourth-grade students and teachers from Avery Elementary School, Bellevue; 18 twelfth-grade students and teacher from Harvard; and 60 fourth-grade students and teachers from St. Patrick's School, Elkhorn.

RECESS

At 12:02 p.m., on a motion by Senator Byars, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Engel, Dw. Pedersen, and Smith who were excused; and Senators Brown, Combs, Cornett, Cunningham, McDonald, Mines, D. Pederson, Preister, Price, and Redfield who were excused until they arrive.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 3, 2006, at 12:02 p.m. were the following: LBs 968e, 968Ae, 188, 287e, 562, 876e, 915, 1069, and 1069A.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on April 3, 2006, at 1:33 p.m. was the following: LB 75.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 990A.

(Signed) Michael Flood, Chairperson

SELECT FILE

LEGISLATIVE BILL 808. Senator Raikes renewed the Raikes-Landis pending amendment, AM3003, on file and referred to in this day's Journal.

The Raikes-Landis amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 965. Senator Jensen offered the following amendment:
AM3019

1. Strike original section 3 and insert the following new sections:

Sec. 3. (1) The Nebraska long-term care savings plan is created. The State Treasurer shall select the administrator of the plan. If the State Treasurer is unable to select an administrator due to lack of proposals, the State Treasurer may enter into agreements with state-chartered or federally chartered banks, savings banks, building and loan associations, savings and loan associations, or credit unions, or a subsidiary of any such entity, to receive contributions under a participation agreement.

(2) Participants shall enter into participation

agreements with the State Treasurer. A lifetime maximum of one hundred sixty-five thousand dollars may be contributed by a participant under a participation agreement. This dollar limit shall be adjusted for inflation by the method provided in section 151 of the Internal Revenue Code of 1986, as amended.

(3) Each participation agreement shall provide that the agreement may be canceled or transferred to a spouse upon the terms and conditions set by the State Treasurer. If the participation agreement is canceled or the Nebraska long-term care savings plan program is terminated, a participant is entitled to receive the principal amount of all contributions made by the participant or on behalf of the participant under the participation agreement plus the actual investment earnings on the contributions, less any losses incurred on the investment. A participant shall not receive a refund or distribution that is more than the fair market value of his or her account on the applicable liquidation date.

(4) A participant retains ownership of all deposits made under a participation agreement up to the date of utilization.

(5) State income tax treatment of contributions and investment earnings under a participation agreement shall be as provided in section 77-2716.

Sec. 4. The Nebraska long-term care savings plan trust is created. The State Treasurer is the trustee of the trust and as such is responsible for the administration, operation, and maintenance of the program and has all powers necessary to carry out and effectuate the purposes, objectives, and provisions of the Long-Term Care Savings Plan Act pertaining to the administration, operation, and maintenance of the trust, except that the state investment officer shall have fiduciary responsibility to make all decisions regarding the investment of the money in the trust, including the selection of all investment options and the approval of all fees and other costs charged to trust assets except costs for administration, operation, and maintenance of the trust, pursuant to the directions, guidelines, and policies established by the Nebraska Investment Council. The State Treasurer may adopt and promulgate rules and regulations to provide for the efficient administration, operation, and maintenance of the trust. The State Treasurer shall not adopt and promulgate rules and regulations that in any way interfere with the fiduciary responsibility of the state investment officer to make all decisions regarding the investment of money in the trust. The Nebraska Investment Council may adopt and promulgate rules and regulations to provide for the prudent investment of the assets of the trust. The council or its designee also has the authority to select and enter into agreements with individuals and entities to provide investment advice and management of the assets held by the trust, establish investment guidelines, objectives, and performance standards with respect to the assets held by the trust, and approve any fees, commissions, and expenses which directly or indirectly affect the return on

assets.

2. On page 2, line 1, strike "4" and insert "5".

3. On page 11, line 3, after "than" insert "transfer of funds to a spouse,".

4. In the Standing Committee amendments, AM2587, on page 2, line 7, after "than" insert "transfer of funds to a spouse,"; and in line 10 strike "Department of Revenue" and insert "State Treasurer".

5. Renumber the remaining sections accordingly.

The Jensen amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 965A. Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 259CA. Senators Chambers, Beutler, and Schrock offered the following amendment:
AM3045

1. Strike the original sections and insert the following new sections:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first ~~five hundred thousand~~ one million dollars after the payment of prizes and operating expenses shall be transferred to ~~the Compulsive Gamblers Assistance Fund~~ a separate fund to be used for the purpose of assisting compulsive gamblers,

as directed by the Legislature;

(ii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the ~~Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act~~ fund authorized in subdivision (a)(i) of this subsection shall be transferred to a fund to be used for the purpose of conserving, enhancing, and restoring the natural physical and biological environment of Nebraska and for related administrative costs. A board shall be appointed as directed by the Legislature, which board shall manage the fund authorized in this subdivision as directed by the Legislature, except that at least ninety percent of such fund, after the payment of administrative costs, shall be distributed annually through competitive grants to public and private entities as determined by the board;

(iii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the ~~Compulsive Gamblers Assistance Fund~~ fund authorized in subdivision (a)(i) of this subsection shall be used for education as the Legislature may direct;

(iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the ~~Compulsive Gamblers Assistance Fund~~ fund authorized in subdivision (a)(i) of this subsection shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the ~~Compulsive Gamblers Assistance Fund~~ fund authorized in subdivision (a)(i) of this subsection shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the ~~Compulsive Gamblers Assistance Fund~~ fund authorized in subdivision (a)(i) of this subsection shall be transferred to the ~~Compulsive Gamblers Assistance Fund~~ fund authorized in subdivision (a)(i) of this subsection.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel

method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to increase the amount of state lottery proceeds to be distributed to assist compulsive gamblers and change provisions relating to the use of state lottery proceeds to be distributed for the purpose of conserving, enhancing, and restoring the environment of Nebraska, and for administrative costs.

For

Against.

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Chambers requested a roll call vote on the Chambers et al. amendment.

Voting in the affirmative, 23:

Aguilar	Cudaback	Kruse	Pahls	Stuhr
Beutler	Howard	Landis	Preister	Stuthman
Chambers	Jensen	Louden	Price	Thompson
Connealy	Kopplin	McDonald	Schimek	
Cornett	Kremer	Mines	Schrock	

Voting in the negative, 11:

Bourne	Erdman	Hudkins	Redfield
Burling	Fischer	Langemeier	Wehrbein
Cunningham	Flood	Raikes	

Present and not voting, 10:

Baker	Brown	Foley	Janssen	Pederson, D.
Brashear	Byars	Heidemann	Johnson	Synowiecki

Excused and not voting, 5:

Combs	Engel	Friend	Pedersen, Dw.	Smith

The Chambers et al. amendment lost with 23 ayes, 11 nays, 10 present and

not voting, and 5 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1113A. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1113, Ninety-ninth Legislature, Second Session, 2006.

LEGISLATIVE BILL 275A. Introduced by Baker, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 275, Ninety-ninth Legislature, Second Session, 2006.

STANDING COMMITTEE REPORTS
Education

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Dennis W. Miller Jr. - Nebraska Educational Telecommunications Commission

VOTE: Aye: Senators Bourne, Byars, Howard, Kopplin, McDonald, Raikes, and Stuhr. Nay: None. Absent: Senator Schrock.

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Charles Ward - Board of Educational Lands and Funds

VOTE: Aye: Senators Bourne, Byars, Howard, Kopplin, McDonald, Raikes, and Stuhr. Nay: None. Absent: Senator Schrock.

(Signed) Ron Raikes, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 442. Introduced by Government, Military and Veterans Affairs Committee: Schimek, 27, Chairperson; Brown, 6; Burling, 33; Fischer, 43; Langemeier, 23; Mines, 18; Pahls, 31; Wehrbein, 2.

PURPOSE: The purpose of this study is to examine the legislative confirmation process of gubernatorial appointees.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Senator Aguilar filed the following amendment to LB 1113:
AM3046

(Amendments to Standing Committee amendments, AM2785)

1. Insert the following new section:

Sec. 20. Section 23-1824, Revised Statutes Cumulative Supplement, 2004, is amended to read:

23-1824 (1) The county coroner or coroner's physician shall perform, at county expense, an autopsy on any person less than nineteen years of age who dies a sudden death, except that no autopsy needs to be performed if (a) the death was caused by a readily recognizable disease or the death occurred due to trauma resulting from an accident and (b) the death did not occur under suspicious circumstances. The Attorney General shall create, by July 1, 2007, guidelines for county coroners or coroner's physicians regarding autopsies on persons less than nineteen years of age.

(2) The county coroner or coroner's physician shall attempt to establish, by a reasonable degree of medical certainty, the cause or causes of the death, and shall thereafter certify the cause or causes of death to the county attorney. No cause of death shall be certified as sudden infant death syndrome unless an autopsy, a death scene investigation, and a review of the child's medical history reveal no other possible cause.

(3) A county may request reimbursement of up to fifty percent of the cost of an autopsy from the Attorney General. Reimbursement requests may include, but not be limited to, costs for expert witnesses and complete autopsies, including toxicology

screens and tissue sample tests. The Attorney General shall place an emphasis on autopsies of children five years of age and younger.

2. On page 63, line 14, after "20-504," insert "23-1824,".

3. Renumber the original sections and correct internal references accordingly.

Senators Wehrbein and Cunningham filed the following amendment to LB 489:
(Amendment, AM2981, is printed separately and available in the Bill Room, Room 1104.)

SELECT FILE

LEGISLATIVE BILL 1189. E & R amendment, AM7199, found on page 1223, was adopted.

Senator Synowiecki asked unanimous consent to withdraw his pending amendment, AM2426, found on page 1118, and replace it with his substitute amendment, AM2999. No objections. So ordered.

AM2999

(Amendments to E & R amendments, AM7199)

1. Insert the following new section:

Sec. 10. Since an emergency exists, this act takes effect when passed and approved according to law.

2. On page 7, line 18, strike "October" and insert "July".

The Synowiecki amendment was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Senator Baker renewed his pending amendment, AM2928, found on page 1352.

Senator Baker withdrew his amendment.

Senator Byars offered the following amendment:

AM3000

(Amendments to E & R amendments, AM7199)

1. On page 4, line 9, strike "providing" and insert "certified by the Department of Health and Human Services to provide".

The Byars amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1189A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 956. E & R amendment, AM7198, printed separately and referred to on page 1227, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 956A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1222. E & R amendment, AM7200, found on page 1311, was adopted.

Senator Mines withdrew his pending amendment, AM2986, found on page 1352.

Senator Mines offered the following amendment:
AM3050

(Amendments to E & R amendments, AM7200)

1. Insert the following new sections:

Section 1. Section 86-420, Revised Statutes Supplement, 2005, is amended to read:

86-420 Sections 86-420 to 86-441.01 and section 2 of this act shall be known and may be cited as the Emergency Telephone Communications Systems Act.

Sec. 2. Each county shall implement enhanced-911 service by July 1, 2010.

2. On page 8, line 26, after the last comma insert "and section 86-420, Revised Statutes Supplement, 2005,".

3. Renumber the remaining sections and correct internal references accordingly.

The Mines amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 1113. Title read. Considered.

The Standing Committee amendment, AM2785, printed separately and referred to on page 1215, was considered.

Senator Mines offered the following amendment to the Standing Committee amendment:
AM3025

(Amendments to Standing Committee amendments, AM2785)

1. On page 9, line 10, strike "public" and insert "recreation or park".

Senator Mines withdrew his amendment.

The Standing Committee amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1248. Title read. Considered.

The Standing Committee amendment, AM2831, printed separately and referred to on page 1139, was considered.

Senator Beutler offered the following amendment to the Standing Committee amendment:
FA662

Amendment to AM2831

On page 13, line 13 change "shall" to "may"

SENATOR BAKER PRESIDING

SENATOR CUDABACK PRESIDING

Senator Beutler moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The Beutler amendment was adopted with 25 ayes, 3 nays, 16 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENTS - Print in Journal

Senator Schimek filed the following amendment to LB 940:
AM3036

(Amendments to Standing Committee amendments, AM2411)

1. On page 5, line 3, after "Security" insert "who shall serve at the pleasure of the Governor"; in line 21 strike "semiannually" and insert "by March 1 of each year"; strike beginning with "regarding" in line 22 through "identify" in line 25 and insert "identifying"; and in line 26 strike "indicate" and insert "indicating".

Senator Thompson filed the following amendment to LB 994A:
AM3057

1. Insert the following new section:

Sec. 8. There is hereby appropriated (1) $45,000 from the General Fund for FY2006-07 and (2) $31,000 from the General Fund for FY2007-08 to the Department of Health and Human Services, for Program 33, to aid in carrying out the provisions of Legislative Bill 994, relating to education and prevention efforts on shaken baby syndrome and sudden infant death syndrome, Ninety-ninth Legislature, Second Session, 2006.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

2. In AM2896:

a. On page 1, line 4, strike "$118,000" and insert "$140,163"; and

b. Strike section 6.

3. Renumber the remaining section accordingly.

Senator Raikes filed the following amendment to LB 1024:
AM3027

(Amendments to Standing Committee amendments, AM2687)

1. On page 16, line 1, strike "in an amount"; in line 2 before "aggregate" insert "ratio of"; and in line 7 after "year" insert "divided by each one hundred dollars of taxable property subject to the levy".

2. On page 23, line 17, strike "Each" and insert "For school year 2008-09 and each school year thereafter, each".

3. On page 24, line 2, strike "of each year" and insert ", 2008, and March 1 of each year thereafter"; in line 9 strike "of each year" and insert ", 2008, and March 15 of each year thereafter"; and in line 14 strike "of each year" and insert ", 2008, and April 1 of each year thereafter".

4. On page 70, line 12, strike "a member of a learning community" and insert "subject to subsection (2) of this section"; and in line 24 after "community" insert "subject to the enrollment provisions of section 19 of this act for the current school year".

5. On page 146, line 20, before the period insert "and the proceeds of any school district special building fund levy pursuant to subdivision (2)(b) of section 77-3442".

6. On page 150, line 9, strike "September 1" and insert "July 5".

Senator Flood filed the following amendment to LB 1024:
AM3055

(Amendments to Standing Committee amendments, AM2687)

1. On page 119, line 24, strike "eighty-five", show as stricken, and insert "ninety-five".

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 1256A. Placed on Select File as amended.
E & R amendment to LB 1256A:
AM7215
1. On page 2, lines 2, 3, 11, and 12, after "Education"
insert "Endowment".

(Signed) Michael Flood, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1024A. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1024, Ninety-ninth Legislature, Second Session, 2006.

LEGISLATIVE BILL 489A. Introduced by Cunningham, 40; Landis, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 489, Ninety-ninth Legislature, Second Session, 2006.

MESSAGES FROM THE GOVERNOR

April 3, 2006

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1061e, 1126e, and 1131e were received in my office on March 28, 2006.

I signed these bills and delivered them to the Secretary of State on April 3, 2006.

Sincerely,
(Signed) Dave Heineman
Governor

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

With this letter, I am returning LB 1060 with my signature and with line-item reductions. My vetoes for FY 2005-06 and FY 2006-07 in LB 1060 total $22,795,327. A list of the individual vetoes is attached to this letter.

I have vetoed $7,022 General Funds in FY 2005-06 and $7,210 General Funds in FY 2006-07 intended for increased employer retirement contributions for Department of Education staff that participate in the teacher retirement program. The Department is capable of accommodating these additional costs within existing resources.

I also vetoed the increase of $318,563 General Funds in FY 2006-07 for four staff positions in the Department of Education. I have not vetoed the $196,665 Salary Limit increase needed for these positions, thereby providing the Department the opportunity to review priorities and redirect its current federal and state resources to address these staffing decisions.

I have vetoed $198,515 Revolving Funds in FY 2006-07 from the Secretary of State for relocation of records storage space. The impetus of this request was the possibility that the current storage space was going to become unavailable for continued use. The probability that the current space at the K Street Complex will become unavailable now appears remote. I encourage the agency to continue efficiency measures that allow storage of necessary records within currently available space.

I have vetoed $30,000 Salary Limit in FY 2005-06 and $65,000 Salary Limit in FY 2006-07 for increased Records Management staff support in the Office of Secretary of State. Existing staff have provided the necessary support of the State Records Board for the last several years and I encourage that support to continue. In addition, efficiencies produced through the enactment of LB 921 earlier this session should be used to support the work of the Records Board.

I have vetoed the $100,000 increased General Funds in FY 2006-07 for the Department of Health and Human Services Finance and Support earmarked as pass-through funding to the Munroe Meyer Institute of Genetics and Rehabilitation at the University of Nebraska Medical Center. The $100,000

General Fund increase in LB 1060 represents a 285% increase in FY 2006-07 funding for this program.

I have vetoed $2,755,616 General Funds in FY 2006-07 from the Department of Health and Human Services Finance and Support for the Children's Health Insurance Program (CHIP). The line-item reduction is based on analysis that indicates the total FY 2006-07 General Fund appropriation contained in LB 1060 is not necessary. The veto creates room in the budget and therefore allows me not to veto the $1,800,000 General Funds in FY 2006-07 added in LB 1060 for public health aid, the $100,000 General Funds added for public health administration in the Department of Health and Human Services Regulation and Licensure, and the $855,616 added in LB 1060 for rate increases for behavioral health services created through continued behavioral health reform efforts.

I have vetoed $643,436 General Funds for FY 2005-06 from the Department of Health and Human Services Finance and Support for annual pay rate equity increases in the Developmental Disabilities Aid program. Granting a retroactive pay increase as anticipated by this item would prove difficult to implement and may well cause inequities for employees of providers. One such potential issue involves employees on a provider's payroll at the beginning of the year, but have since separated from employment. To be fair to former employees, the provider, as employer, would presumably be responsible for locating and compensating each former employee for the increased rate of pay and hours worked, including hours worked in a previous tax year. My veto applies only to the increases in LB 1060 that apply retroactively. The compounded and annualized pay rate equity amounts contained in LB 1060 for FY 2006-07 are not reduced by my veto and will be available for provider employees on July 1, 2006.

I have vetoed $1,675,145 General Funds in FY 2005-06 from the Department of Health and Human Services Finance and Support for the Developmentally Disabled Aid program. It is estimated that these funds, at the current and projected rate of expenditure in the program, will remain unobligated at the end of FY2005-06. My veto only reduces this estimated year-end unobligated balance and the reduction will have no adverse impact on the status of the waiting list. This veto creates room in the budget and therefore allows me not to veto the $1,675,145 General Funds added in FY 2006-07 in LB 1060 for rate equity payments.

I have vetoed $437,500 General Funds in FY 2005-06 and $218,750 General Funds in FY 2006-07 from the Department of Health and Human Services Finance and Support for the Qualified Community Health Centers. After my veto, the five centers will continue to have available to them $437,500 General Funds in FY 2005-06 and $656,250 General Funds in FY 2006-07

that was the result of the biennial budget process in 2005 and the first years of General Fund support for the centers.

I have not vetoed additional appropriations provided to the Department of Health and Human Services, Nebraska Educational Telecommunications Commission, Nebraska State College System and the University of Nebraska for utility deficits in FY 2005-06. I have vetoed such amounts for FY 2006-07. Utility costs and appropriation deficits for FY 2006-07 are not known at this time. Currently no emergency exists requiring a funding increase for FY 2006-07.

I have vetoed General Funds in FY 2006-07 added for potential increased utility costs at the twenty-four hour care facilities operated by the Department of Health and Human Services. These General Fund reductions are $118,971 at the youth rehabilitation and treatment centers, $104,314 at the veterans' homes, $427,703 at the behavioral health regional centers, and $97,561 at the Beatrice State Developmental Center.

I have also vetoed $56,650 in increased General Funds provided to the Nebraska Educational Telecommunications Commission, $215,400 in increased General Funds provided to the Nebraska State College Board of Trustees, and $4,000,000 in increased General Funds provided to the Board of Regents of the University of Nebraska for potential increases in utility costs in FY 2006-07.

I have reduced the funding increases to the Department of Administrative Services, Division of the State Capitol Commission, for utility cost increases, to reflect the most recent projections of additional appropriations needed to cover higher utility costs this biennium over prior years. Earlier estimates placed utility needs at a 50% higher level than FY 2004-05. Current year-to-date expenditures for the Capitol are running at 12%. My reductions equate to vetoes of $240,757 of General Funds in both FY 2005-06 and FY 2006-07. After my vetoes, the Commission still has sufficient appropriations to cover higher utility costs for the Capitol building.

I have reduced the funding increases to the Department of Administrative Services, Building Division program for utility cost payments, to reflect the most recent projections of additional appropriations needed to cover possible higher utility cost payments this biennium over prior years. Earlier estimates placed utility needs at a 50% higher level than FY 2004-05. Current year-to-date expenditures are running at 25% - 30% and federal Department of Energy estimates suggest a figure in this range should be adequate. My reductions equate to vetoes of $234,092 of Revolving Funds in both FY 2005-06 and FY 2006-07. After my vetoes, the Agency still has

sufficient appropriations to cover higher utility cost payments for state buildings.

In summary, if my reductions of energy and utility funding are sustained, $5,261,356 of additional General Fund appropriations will be reduced from FY 2006-07, while $5,137,973 in additional General Fund appropriations remain for increased energy and utility costs in FY 2005-06. Some indications are that not all of the $5.1 million increase in General Funds will be necessary in FY 2005-06. Excess appropriations existing on June 30, 2006 should be carried forward by agencies into FY 2006-07 and used to address utility costs for FY 2006-07. Any energy and utility funding changes for FY 2006-07 can be reasonably addressed when actual experience for all of FY 2005-06 and early FY 2006-07 is known.

I have vetoed $23,343 General Funds in FY 2005-06 and $49,640 General Funds in FY 2006-07 from the Department of Natural Resources for increased health insurance premiums in the Soil and Water Conservation program. The agency has the ability to accommodate these costs within the Cash Fund appropriation to that program.

I have also vetoed $325,000 in General Funds for FY 2006-07 intended for expanding the Library Commission's NebraskAccess online database system. This would represent an increase of over 81 percent for NebraskAccess from its current $400,000 General Fund appropriation. The Commission is encouraged to prioritize its existing appropriations to meet the needs of young learners.

I have vetoed the increased funding of $1.2 million General Funds in FY 2006-07 for the Nebraska Scholarship Program. After my reduction, FY 2006-07 state support (General Fund and Lottery Fund) for Nebraska Scholarship Program funding will increase 11.2% over FY 2005-06 and 35.6% or $2,750,000 over FY 2004-05. This veto is identical to last year's veto of this spending proposal.

I have vetoed one-half of the additional funding provided for Community College Aid in FY 2006-07. This equates to a total General Fund reduction of $748,848 allocated to two programs: $564,384 is reduced from Program 151 and $184,464 is reduced from Program 152. After my reduction, FY 2006-07 State General Fund Aid to the Community Colleges increases 5.0% or $3,254,261 over FY 2005-06.

I have reduced $23,707 of increased Cash Fund appropriation and $18,521 of new Salary Limit at the Commission on Public Advocacy in FY 2006-07 for additional attorney salary increases that would exceed the pay increases that will be granted to most other state employees on July 1, 2006.

I have reduced a portion of the increase of $4,372,000 State Building Funds to the State Capitol Commission Capitol Masonry Project for FY 2006-07. The Legislative increase reflects an acceleration of the timing and funding for the Masonry Project. My reduction equates to a veto of $2,672,000 of State Building Funds for FY 2006-07. This veto still leaves a total appropriation of $3,000,000 for the Capitol Masonry Project for FY 2006-07, which is sufficient to accommodate the revised funding level for that fiscal year established in 2005, LB 424, plus an additional $1,700,000 of funding to accommodate priority repairs to the Legislative chamber and associated West parapet area.

I have reduced $59,986 of increased General Fund appropriation for mileage reimbursements for court operations in FY 2006-07. This relatively small reduction can be accommodated by the state court system. After my line-item reduction, Program 52 (Court Operations) and Program 420 (State Specialized Courts) will still receive total new appropriation increases in LB 1060 of $484,628 in FY 2005-06 and $2,487,510 in FY 2006-07.

I have reduced $68,749 of increased General Fund appropriation for travel costs for probation operations in FY 2006-07. This minor budget reduction can be accommodated by the state probation system. After my line-item reduction, Program 67 (Probation Administration) and Program 435 (Probation Community Corrections) will still receive total new appropriation increases in LB 1060 of $1,453,675 in FY 2005-06 and $5,237,168 in FY 2006-07.

I have also made a technical adjustment in FY 2006-07 for Probation Administration that reduces the Salary Limit earmark by $251,378. The regular and intensive probation budget cannot sustain the spending of this excess Salary Limit amount without creating an operating budget deficit in FY 2006-07 and an on-going structural budget shortfall in the 2007-09 biennium. This Salary Limit change will not force any layoffs or cause any reduction to existing or new positions that are budgeted in FY 2005-06. It will provide for the 3.25% employee salary increase in FY 2006-07 and does not reduce the current program operating budget. This adjustment will eliminate the possibility of an unintended General Fund budget deficit in FY 2006-07.

I have vetoed the $75,000 increased Cash Fund appropriation and the $57,000 increased Salary Limit earmark in the Attorney General's Office in FY 2005-06 for enforcement of the state's obligations under the tobacco master settlement agreement. Twelve full months of salary costs for a new Assistant Attorney General in FY 2005-06 is not necessary when there is less than three months remaining in this fiscal year. As such, I have vetoed

this funding increase in FY 2005-06. I have not ignored the merits and necessity of properly funding the enforcement of the state's tobacco master settlement agreement. Both the Governor's and Legislature's budget recommendations this session include an additional appropriation of $100,000 from the Health Care Cash Fund to expand enforcement of the tobacco settlement agreements in FY 2006-07 from $150,000 to $250,000 annually beginning on July 1, 2006. I have not vetoed this additional funding.

I have reduced the Cash Fund appropriation and earmark of $1,500,000 in FY 2005-06 for increased mass transit aid. I oppose funding a retroactive aid increase. In addition, it does not appear that the current reduced level of Department of Roads tax revenues can support this new FY 2005-06 spending increase without negatively impacting our current state road construction efforts. I have not vetoed the $1,500,000 additional appropriation for mass transit aid in FY 2006-07.

I have reduced $217,000 General Funds in FY 2005-06 to the Department of Correctional Services. A one-time General Fund savings of $217,000 has been made available this fiscal year by utilizing a one-time federal reimbursement to support current inmate per diem costs.

The Legislature has recommended a total of $5,750,000 of new General Funds to the Community Corrections Council Office in FY 2006-07 to expand community corrections services. I have reduced the General Fund appropriation and earmarks to the Community Corrections Council Office by $1,375,000 in FY 2006-07, thereby leaving a total General Fund increase of $4,375,000 during this legislative session to implement the following new initiatives: $2,000,000 General Funds for statewide drug courts; $1,250,000 General Funds for probation day and evening reporting centers; $1,080,000 General Funds for expansion of substance abuse treatment for offenders; and $45,000 General Funds for completion of a recidivism reduction treatment center study.

The $1,375,000 General fund line-item reduction can easily be replaced from the current $6.0 million surplus balance existing in the Probation and Parole Program cash funds, as the pass-through Cash Fund appropriation to Probation Administration was not reduced.

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After my vetoes, the budget still leaves in the full $6,850,000 of Cash Fund appropriation increases for FY 2006-07 that are provided in LB 1060 to the Supreme Court and Probation Administration to fund new and expanded community corrections services. The appropriation provided to Program 435 (Probation Community Corrections) will support a maximum of $5,977,902 in offender substance abuse treatment for FY 2006-07. The

Probation and Parole Program cash funds have been assessed against and paid by probationers and parolees. These cash funds should primarily benefit the "direct" treatment costs of these probationers and parolees.

My veto reduces the funding increases to the Commission for the Blind and Visually Impaired by one-half in both FY 2005-06 and FY 2006-07. After my veto, General Fund support for the Commission will be 26.8 percent higher in FY 2005-06 and 44.1 percent higher in FY 2006-07 relative to the FY 2004-05 funding level. The harsh reality is that the state's resources are not adequate to fully replace every federal program that has been cut or continue every federal grant that provided short-term funding.

I have vetoed the FY 2006-07 $2 million General Fund transfer to the Cultural Preservation Endowment Fund. While I support the arts, other critical needs facing the State of Nebraska must take priority over our desire to increase funding for this endowment.

I appreciate the Legislature's work and urge you to sustain these reductions to LB 1060.

Sincerely,
(Signed) Dave Heineman
Governor

Attachment

GENERAL FILE

LEGISLATIVE BILL 1248. Senator Beutler offered the following amendment to the Standing Committee amendment:
FA663

Amendment to AM2831

Restore all the stricken language in section 12 on lines 24 through 27, on page 12 and lines 1 through 7 and on page 13.

Senator Beutler withdrew his amendment.

Senator Beutler offered the following amendment to the Standing Committee amendment:
AM3035

(Amendments to Standing Committee amendments, AM2831)

1. On page 6, line 21, after the period insert "No rules and regulations proposed under this section shall be finally adopted or implemented prior to the conclusion of the next complete legislative session following submission of the final report identified in this section.".

Senator Brashear asked unanimous consent to bracket LB 1248 until Wednesday, April 5, 2006. No objections. So ordered.

LEGISLATIVE BILL 79. Title read. Considered.

The Standing Committee amendment, AM0186, found on page 417, First Session, 2005, was considered.

SENATOR SCHIMEK PRESIDING

Senator Baker moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Standing Committee amendment was adopted with 26 ayes, 2 nays, 17 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 27 ayes, 5 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE RESOLUTION 274CA. Read. Considered.

SENATOR CUDABACK PRESIDING

Advanced to E & R for review with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 924. Title read. Considered.

The Standing Committee amendment, AM2521, found on page 858, was considered.

Senator Synowiecki renewed his pending amendment, AM2929, found on page 1331, to the Standing Committee amendment.

The Synowiecki amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Senator Bourne renewed his pending amendment, AM2898, found on page 1332, to the Standing Committee amendment.

The Bourne amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 14 present and not

voting, and 4 excused and not voting.

AMENDMENT - Print in Journal

Senator Schrock filed the following amendment to LB 1226A:
AM3060

1. Strike the original sections and insert the following new sections:

Section 1. There is hereby appropriated (1) $2,500,000 from the General Fund for FY2006-07 and (2) $2,500,000 from the General Fund for FY2007-08 to the Department of Natural Resources, for Program 311, to aid in carrying out the provisions of Legislative Bill 1226, Ninety-ninth Legislature, Second Session, 2006.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $38,115 for FY2006-07 or $38,115 for FY2007-08.

There is included in the appropriation to this program for FY2006-07 $2,412,854 General Funds for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2007-08 $2,412,854 General Funds for state aid, which shall only be used for such purpose.

Sec. 2. There is hereby appropriated (1) $2,500,000 from the General Fund for FY2006-07 and (2) $2,500,000 from the General Fund for FY2007-08 to the Department of Environmental Quality, for Program 513, to aid in carrying out the provisions of Legislative Bill 1226, Ninety-ninth Legislature, Second Session, 2006.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $38,115 for FY2006-07 or $38,115 for FY2007-08.

There is included in the appropriation to this program for FY2006-07 $2,412,854 General Funds for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2007-08 $2,412,854 General Funds for state aid, which shall only be used for such purpose.

VISITORS

Visitors to the Chamber were Jim and Robin Engel from Beatrice and Blake, Lisa, Bailey, and Freeman Brown from Milan, Tennessee.

The Doctor of the Day was Dr. Alan Williamson from Bellevue.

ADJOURNMENT

At 8:01 p.m., on a motion by Senator Fischer, the Legislature adjourned until 9:00 a.m., Tuesday, April 4, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-FOURTH DAY - APRIL 4, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 4, 2006

PRAYER

The prayer was offered by Senator Kruse.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Beutler, Brown, Heidemann, McDonald, Mines, Dw. Pedersen, D. Pederson, Preister, Price, and Synowiecki who were excused until they arrive.

SPEAKER BRASHEAR PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-third day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bills were correctly reengrossed: LBs 819, 856, 856A, and 962A.

Correctly Engrossed

The following bills were correctly engrossed: LBs 898, 904, 1010, 1038, 1107, and 1148.

ER9099

Enrollment and Review Change to LB 904

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7205:

a. On page 2, line 18; and page 4, line 3, "are" has been struck and "is" inserted; and

b. On page 5, line 15, "the Highway Allocation Fund" has been struck and "street and road funds" inserted; and in line 18 "fund" has been struck and "Highway Allocation Fund; to require use of certain sales and use tax revenue for street and road purposes" inserted.

(Signed) Michael Flood, Chairperson

AMENDMENTS - Print in Journal

Senator Cunningham filed the following amendment to LB 1248:
AM3006

(Amendments to Standing Committee amendments, AM2831)

1. Insert the following new sections:

Sec. 87. The Long-Term Care Partnership Program is established. The program shall be administered by the Department of Health and Human Services Finance and Support in accordance with federal requirements on state long-term care partnership programs. In order to implement the program, the department shall file a State plan amendment with the federal Centers for Medicare and Medicaid Services pursuant to the requirements set forth in 42 U.S.C. 1396p(b), as such section existed on March 1, 2006.

Sec. 91. The following sections are outright repealed: Sections 68-1095, 68-1096, 68-1097, 68-1098, and 68-1099, Revised Statutes Supplement, 2005.

2. Renumber the remaining section accordingly.

Senator Jensen filed the following amendment to LB 1248:
AM3007

(Amendments to Standing Committee amendments, AM2831)

1. Insert the following new section:

Sec. 87. The Health and Human Services Committee of the Legislature shall provide for an independent study and actuarial analysis of the impact of behavioral health insurance parity legislation in the State of Nebraska. A report of such study and analysis shall be submitted to the Governor, the Health and Human Services Committee of the Legislature, and the Banking, Commerce and Insurance Committee of the Legislature on or before December 1, 2006.

2. Renumber the remaining section accordingly.

Senator Beutler filed the following amendment to LB 1248:
FA668

Amendment to AM2831

On page 6, line 24 change "may" to "shall"

Senator Chambers filed the following amendment to LB 1248:

FA669

Amendment to AM2831

P. 2, strike subsection (3).

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 346 and 358 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 346 and 358.

SENATOR CUDABACK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 845A. Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 5 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1113A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1222A. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 8 present and not voting, and 11 excused and not voting.

MOTION - Return LB 994A to Select File

Senator Thompson moved to return LB 994A to Select File for her specific pending amendment, AM3057, found on page 1397.

The Thompson motion to return prevailed with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 994A. The Thompson specific pending amendment, AM3057, found on page 1397, was adopted with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 385. Title read. Considered.

The Standing Committee amendment, AM2548, found on page 857, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Senator Chambers renewed his pending amendment, FA650, found on page 1331.

The Chambers amendment was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 30 ayes, 1 nay, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 385A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1024. Title read. Considered.

The Standing Committee amendment, AM2687, printed separately and referred to on page 1332, was considered.

Senator Bourne renewed his pending amendment, AM3005, found on page 1386, to the Standing Committee amendment.

Senator Bourne moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Senator Bourne requested a roll call vote on his amendment.

Voting in the affirmative, 9:

Aguilar	Connealy	Howard	Landis	Synowiecki
Bourne	Cornett	Johnson	Preister	

Voting in the negative, 13:

Brown	Erdman	Kruse	Raikes	Wehrbein
Burling	Foley	Pahls	Redfield	
Byars	Jensen	Pedersen, Dw.	Thompson	

Present and not voting, 23:

Baker	Cunningham	Heidemann	Langemeier	Schrock
Brashear	Engel	Hudkins	Mines	Smith
Chambers	Fischer	Janssen	Pederson, D.	Stuthman
Combs	Flood	Kopplin	Price	
Cudaback	Friend	Kremer	Schimek	

Excused and not voting, 4:

Beutler	Louden	McDonald	Stuhr

The Bourne amendment lost with 9 ayes, 13 nays, 23 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 968, 968A, and 188.

(Signed) Dwite Pedersen

RESOLUTION

LEGISLATIVE RESOLUTION 443. Introduced by Howard, 9.

WHEREAS, every child deserves a loving, nurturing, and permanent home; and

WHEREAS, adoption gives children a brighter future, brings great joy to the adoptive parents, and places fewer demands on social services; and

WHEREAS, adopted children often need extra patience and support to help them overcome previous hardships; and

WHEREAS, there are families able and willing to adopt children who have special needs; and

WHEREAS, children waiting for adoptive parents and families who have adopted children require and deserve community and public support.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature recognizes the month of November, 2006, as Adoption Awareness Month in Nebraska.

2. That during this week communities are encouraged to participate in activities designed to increase public awareness about the benefits of adoption.

Laid over.

MESSAGE FROM THE GOVERNOR

April 4, 2006

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 287e was received in my office on April 3, 2006.

I signed this bill and delivered it to the Secretary of State on April 4, 2006.

Sincerely,
(Signed) Dave Heineman
Governor

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 783. Placed on General File.

LEGISLATIVE BILL 102. Indefinitely postponed.
LEGISLATIVE BILL 820. Indefinitely postponed.
LEGISLATIVE BILL 901. Indefinitely postponed.
LEGISLATIVE BILL 919. Indefinitely postponed.
LEGISLATIVE BILL 938. Indefinitely postponed.
LEGISLATIVE BILL 1082. Indefinitely postponed.
LEGISLATIVE BILL 1095. Indefinitely postponed.
LEGISLATIVE BILL 1156. Indefinitely postponed.
LEGISLATIVE BILL 1161. Indefinitely postponed.
LEGISLATIVE BILL 1186. Indefinitely postponed.
LEGISLATIVE BILL 1187. Indefinitely postponed.
LEGISLATIVE BILL 1214. Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Senator Price asked unanimous consent to add her name as cointroducer to LB 385. No objections. So ordered.

VISITORS

Visitors to the Chamber were 12 student senators and sponsors from District 47; Chris Green from Omaha; Abby Tranel from Hampton; 67 fourth- and fifth-grade students and teachers from Wildewood Elementary School, Ralston; 75 student nurses and teachers from Creighton University, Omaha; 48 student members and sponsors from the Nebraska Federation of Women's Clubs; and 78 eighth-grade students and teachers from Mary Our Queen School, Omaha.

RECESS

At 12:00 p.m., on a motion by Senator Landis, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Beutler, Cornett, Engel, Foley, McDonald, D. Pederson, Preister, Price, Stuhr, and Synowiecki who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1113. Placed on Select File as amended.
E & R amendment to LB 1113:
AM7217

1. In the Standing Committee amendments, AM2785:
a. On page 13, line 8, strike "town" and insert "village";
b. On page 15, line 27, before "recovered" insert "been";
c. On page 25, line 17, after "buccal" insert "cell";
d. On page 51, line 20, strike the semicolon and insert an underscored comma; and in line 23 strike "and" and show as stricken;
e. On page 59, line 21, after the second comma insert "and";
f. On page 60, line 8, after "neighborhood" insert an underscored comma; in line 10 strike the comma and show as stricken; and in line 16 after "recency" insert an underscored comma;
g. On page 61, line 25, strike "by" and show as stricken; and
h. On page 63, line 12, strike "47-612" and insert "47-619".

2. On page 1, strike beginning with "crimes" in line 1 through line 5 and insert "civil and criminal regulation; to amend sections 2-3290, 2-3296, 2-3297, 18-1755, 28-311.04, 28-813, 42-364, 42-364.13, 42-1103, 43-256, 43-271, 43-408, 43-1412, 43-3001, 43-3342.05, 47-619, 47-620, 83-192, 83-1,114, and 83-1,115, Reissue Revised Statutes of Nebraska, sections 2-3202, 20-504, 28-311.02, 28-311.03, 28-728, 28-729, 28-730, 29-4101, 29-4102, 29-4104, 29-4106, 29-4107, and 86-291, Revised Statutes Cumulative Supplement, 2004, and sections 29-4126, 47-623, 47-624, and 47-625, Revised Statutes Supplement, 2005; to change and provide provisions relating to foreign national minors, recreational use of land, racial profiling, stalking, child abuse and neglect, obscene literature or material, the DNA Detection of Sexual and Violent Offenders Act, DNA testing, references to social security numbers in court documents, domestic relations orders, detention of juveniles, the State Disbursement and Child Support Advisory Commission, the Community Corrections Act, release on parole, and court-ordered interception of communications; to state intent; to define and redefine terms; to provide duties for the Department of Health and Human Services, cities, villages, the Supreme Court, and the Board of Parole; to eliminate duties; to provide penalties; to harmonize provisions; and to repeal the original sections.".

LEGISLATIVE RESOLUTION 274CA. Placed on Select File.

LEGISLATIVE BILL 924. Placed on Select File as amended.
E & R amendment to LB 924:
AM7219

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 76-701, Reissue Revised Statutes of Nebraska, is amended to read:

76-701 ~~As used in sections 76-701 to 76-724, unless the context otherwise requires~~ For purposes of sections 76-701 to 76-726 and section 2 of this act

(1) Condemner means any legal entity that by law has been granted the right to exercise the power of eminent domain~~,~~ and includes the state and any governmental or political subdivision thereof;

(2) Condemnee means any person, partnership, limited liability company, corporation, or association owning or having an encumbrance on any interest in property that is sought to be acquired by a condemner or in possession of or occupying any such property;

(3) Property means any such interest in real or personal property as the condemner is empowered by law to acquire for public use; and

(4) County judge means the county judge of the county

where condemnation proceedings provided by such sections ~~76-701 to 76-724~~ are had.

Sec. 2. (1) A condemner may not take property through the use of eminent domain under sections 76-704 to 76-724 if the taking is for an economic development purpose.

(2) For purposes of this section, economic development purpose means taking property for subsequent use by a commercial for-profit enterprise or to increase tax revenue, tax base, employment, or general economic conditions.

(3) This section does not affect the use of eminent domain for:

(a) Public projects or private projects that make the property available for use by the general public or for use as a right-of-way, aqueduct, pipeline, or similar use;

(b) Removing harmful uses of property if such uses constitute an immediate threat to public health and safety;

(c) Leasing property to a private person who occupies an incidental part of public property or a public facility, such as a retail establishment on the ground floor of a public building;

(d) Acquiring abandoned property;

(e) Clearing defective property title;

(f) Taking private property for use by a utility or railroad; and

(g) Taking private property based upon a finding of blighted or substandard conditions under the Community Development Law if the private property is not agricultural land or horticultural land as defined in section 77-1359.

Sec. 3. Section 76-883, Reissue Revised Statutes of Nebraska, is amended to read:

76-883 (a) A person required to deliver a public-offering statement pursuant to subsection (c) of section 76-879 shall provide a purchaser of a unit with a copy of the public-offering statement and all amendments thereto before conveyance of that unit and not later than the date of any contract of sale. Unless a purchaser is given the public-offering statement more than fifteen days before execution of a contract for the purchase of a unit, the purchaser, before conveyance, may cancel the contract within fifteen days after first receiving the public-offering statement.

(b) After receiving the public-offering statement and all amendments, a purchaser has the right to have an independent inspection of the building's structure and mechanical systems conducted at the purchaser's expense.

~~(b)~~ (c) If a purchaser elects to cancel a contract pursuant to subsection (a) of this section, he or she may do so by hand-delivering notice thereof to the offeror or by mailing notice thereof by mail postage prepaid to the offeror or to his or her agent for service of process. Cancellation is without penalty, and all payments made by the purchaser before cancellation shall be refunded promptly.

~~(c)~~ (d) If a person required to deliver a public-offering statement pursuant to subsection (c) of section 76-879 fails to provide a purchaser to whom a unit is conveyed with that public-offering statement and all amendments thereto as required by subsection (a) of this section, the purchaser is entitled to receive damages and other relief from that person.

Sec. 4. Original sections 76-701 and 76-883, Reissue Revised Statutes of Nebraska, are repealed.

2. On page 1, line 2, strike "18-2103, 18-2123, and" and after "76-701" insert "and 76-883"; strike beginning with "to" in line 3 through the semicolon in line 4; and in line 5 after the first semicolon insert "to provide certain rights for purchasers of condominiums;".

LEGISLATIVE BILL 79. Placed on Select File as amended.
E & R amendment to LB 79:
AM7218

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 74-1334, Reissue Revised Statutes of Nebraska, is amended to read:

74-1334 (1) Wherever any railroad track crosses any public road in a cut, on a curve or side hill, in timber lands, near buildings, or near any obstruction of view from the road, the Department of Roads shall direct such precautions to be taken as it deems necessary for the safety of the traveling public. Each railroad carrier shall also provide and maintain such gates, crossings, signs, signals, alarm bells, and warning personnel as the department directs. The department may direct the placement of special signs where the physical conditions of any crossing warrant such action.

(2) Any public railroad crossing without gates, signals, alarm bells, or warning personnel located within one-quarter mile from a public railroad crossing with gates, signals, alarm bells, or warning personnel shall be closed unless it is the only railroad crossing which provides access to property.

(3) An interested party may object to an action taken under subsection (2) of this section only if a written request is submitted to the Department of Roads by a professional engineer licensed to practice in the State of Nebraska. The engineer shall state in writing that the engineer is familiar with the requirements in this section and with all relevant aspects of the railroad crossing. The engineer shall also provide a detailed explanation of why subsection (2) of this section should not apply to the railroad crossing in question and a statement that the railroad crossing corridor has been examined by the engineer and the engineer believes that the railroad crossing will be safe as designed.

Sec. 2. Original section 74-1334, Reissue Revised Statutes of Nebraska, is repealed.

LEGISLATIVE BILL 845A. Placed on Select File.
LEGISLATIVE BILL 1113A. Placed on Select File.
LEGISLATIVE BILL 1222A. Placed on Select File.

(Signed) Michael Flood, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1024. Senator Howard renewed her pending amendment, AM3013, found on page 1381, to the Standing Committee amendment.

Senator Howard withdrew her amendment.

Senator Raikes offered the following amendment to the Standing Committee amendment:
AM3065

(Amendments to Standing Committee amendments, AM2687)

1. Insert the following new section:

Sec. 113. (1) On or before January 1 immediately following the establishment of a learning community, the learning community coordinating council shall appoint an integration task force for the learning community. In order to appoint the members of the task force, the learning community coordinating council shall divide the learning community into two quadrants along a north and south axis and two quadrants along an east and west axis with each axis geographically centered in the learning community. The task force shall consist of twelve members who are not members of any school board and are not employees of any school district as follows:

(a) Two of the members shall be employed in a planning capacity for a city within the boundaries of the learning community;

(b) Two members shall be members of organizations that represent the interests of minority groups in the learning community; and

(c) Two members from each of the four quadrants established as described in this section.

(2) The purpose of the integration task force is to develop an integration plan for the learning community and to recommend such plan to the learning community coordinating council. Such plan shall address the following:

(a) What the learning community hopes to accomplish for students through integration;

(b) How integration should be accomplished in the learning community;

(c) How the learning community will know if the integration is successful; and

(d) What the learning community should do if integration is not successful.

(3) The integration task force shall meet once per month for one year, may hold public hearings, shall be subject to the Open Meetings Act, and shall report to the learning community coordinating council at the council's monthly meetings in March, June, September, and December. The task force shall also submit the integration plan to the Education Committee of the Legislature in December of such year.

(4) Members of the task force shall not receive compensation but shall be reimbursed for their actual and necessary expenses incurred in carrying out their duties as members of the task force. If a vacancy occurs on the task force, the learning community coordinating council shall appoint a person to fill the vacancy who meets the requirements of the member being replaced.

2. On page 73, line 4, after "program" insert "anywhere in the learning community".

3. On page 152, line 7, before "On" insert "On or before July 1 following the receipt of the recommendations from the integration task force pursuant to section 113 of this act, each learning community coordinating council shall adopt an integration and diversity plan and shall provide a copy of such plan to the Education Committee of the Legislature."; in line 9 after "on" insert "the integration plan,"; in line 14 after "for" insert "improving the integration plan,"; in line 16 after "community," insert "and"; strike beginning with the comma in line 18 through "areas" in line 21; and in line 22 strike "Clerk" and insert "Education Committee".

4. Renumber the remaining sections accordingly.

The Raikes amendment was adopted with 28 ayes, 1 nay, 19 present and not voting, and 1 excused and not voting.

Senator Kopplin offered the following amendment to the Standing Committee amendment:

AM3068

(Amendments to Standing Committee amendments, AM2687)

1. On page 151, line 2, strike "and"; and in line 4 after "Act" insert ";

(9) Annually collect from member school districts employee compensation and benefits data, including, but not limited to, salary, vacation leave, sick leave, personal leave, maternity leave, in-service days, retirement, and extra-duty compensation; and

(10) Annually recommend a salary and benefits plan for all employees of member school districts that provides an equitable and equivalent salary among member school districts".

Senator Kopplin withdrew his amendment.

Senator Cornett offered the following amendment to the Standing Committee amendment:
AM3033
(Amendments to Standing Committee amendments, AM2687)

1. Strike amendment 1 and insert the following new amendment:

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 79-407, Revised Statutes Supplement, 2005, is amended to read:

79-407 The territory within the corporate limits of each incorporated city or village in the State of Nebraska, together with such additional territory and additions to such city or village as may be added thereto, as declared by ordinances to be boundaries of such city or village, having a population of more than one thousand and less than one hundred fifty thousand inhabitants, including such adjacent territory as now is or hereafter may be attached for school purposes, shall constitute a Class III school district. A Class III school district may extend its boundaries as far as but not beyond the extraterritorial zoning jurisdiction of the city within which such Class III school district is located. Except as provided in section 79-473, the title to all school buildings or other real or personal property owned by any school district within the corporate limits of any city or village shall, upon the organization of the school district, vest immediately in the new school district. The school board of the new school district shall have exclusive control of such buildings and real or personal property for all purposes contemplated in this section.

Sec. 2. Section 79-473, Revised Statutes Supplement, 2005, is amended to read:

79-473 (1) If the territory annexed by a change of boundaries of a city or village which lies within a Class III school district as provided in section 79-407 has been part of a Class IV or Class V school district prior to such annexation, a merger of the annexed territory with the Class III school district shall become effective only if the merger is approved by a majority of the members of the school board of the Class IV or V school district and a majority of the members of the school board of the Class III school district within ninety days after the effective date of the annexation ordinance.

(2) Notwithstanding subsection (1) of this section, when territory which lies within a Class III school district, Class VI school district, or Class I school district which is attached to a Class VI school district or which does not lie within a Class IV or V school district is annexed by a city or village

pursuant to section 79-407, the affected school board of the city or village school district and the affected school board or boards serving the territory subject to the annexation ordinance shall meet within thirty days after the effective date of the annexation ordinance and negotiate in good faith as to which school district shall serve the annexed territory and the effective date of any transfer. During the process of negotiation, the affected boards shall consider the following criteria:

(a) The educational needs of the students in the affected school districts;

(b) The economic impact upon the affected school districts;

(c) Any common interests between the annexed or platted area and the affected school districts and the community which has zoning jurisdiction over the area; and

(d) Community educational planning.

If no agreement has been reached within ninety days after the effective date of the annexation ordinance, the territory shall transfer to the school district of the annexing city or village ten days after the expiration of such ninety-day period unless an affected school district petitions the district court within the ten-day period and obtains an order enjoining the transfer and requiring the boards of the affected school districts to continue negotiation. The court shall issue the order upon a finding that the affected board or boards have not negotiated in good faith based on one or more of the criteria listed in this subsection. The district court shall require no bond or other surety as a condition for any preliminary injunctive relief. If no agreement is reached after such order by the district court and additional negotiations, the annexed territory shall become a part of the school district of the annexing city or village.

(3) If, within the boundaries of the annexed territory, there exists a school building, facilities, or land owned by any class of school district, the school building, facilities, or land shall remain a part of the school district owning the school building, facilities, or land prior to the annexation. If the school district owning the school building, facilities, or land wishes to dispose of such school building, facilities, or land to any individual or political subdivision, the question of such disposition shall be placed on the ballot for the next primary or general election. All legal voters of such school district shall then vote on the question at such election. A simple majority of the votes cast shall resolve the issue.

(4) Whenever an application for approval of a final plat or replat is filed for territory which lies within the zoning jurisdiction of a city of the first or second class and does not lie within the boundaries of a Class IV or V school district, the affected school board of the school district within the city of the first or second class or its representative and the affected

board or boards serving the territory subject to the final plat or replat or their representative shall meet within thirty days after such application and negotiate in good faith as to which school district shall serve the platted or replatted territory and the effective date of any transfer based upon the criteria prescribed in subsection (2) of this section.

If no agreement has been reached prior to the approval of the final plat or replat, the territory shall transfer to the school district of the city of the first or second class upon the filing of the final plat unless an affected school district petitions the district court within ten days after approval of the final plat or replat and obtains an order enjoining the transfer and requiring the affected boards to continue negotiation. The court shall issue the order upon a finding that the affected board or boards have not negotiated in good faith based on one or more of the criteria listed in subsection (2) of this section. The district court shall require no bond or other surety as a condition for any preliminary injunctive relief. If no agreement is reached after such order by the district court and additional negotiations, the platted or replatted territory shall become a part of the school district of the city of the first or second class.

For purposes of this subsection, plat and replat apply only to (a) vacant land, (b) land under cultivation, or (c) any plat or replat of land involving a substantive change in the size or configuration of any lot or lots.

~~(5) Notwithstanding any other provisions of this section, all negotiated agreements relative to boundaries or to real or personal property of school districts reached by the affected school boards shall be valid and binding.~~

Sec. 3. Original sections 79-407 and 79-473, Revised Statutes Supplement, 2005, are repealed.

Pending.

AMENDMENTS - Print in Journal

Senator Kopplin filed the following amendment to LB 1024:
AM3038

(Amendments to Standing Committee amendments, AM2687)

1. On page 57, lines 12 through 14 strike the new matter.

Senator Kopplin filed the following amendment to LB 1024:
AM3072

(Amendments to Standing Committee amendments, AM2687)

1. Strike sections 62 to 72 and insert the following new section:

Sec. 114. Commencing no later than August 1, 2006, the Nebraska Retirement Systems Committee shall conduct a study to determine the feasibility of merging the School Retirement System

of the State of Nebraska and the retirement system established in the Class V School Employees Retirement Act. The committee shall report the findings of the study to the Legislature, along with recommendations for legislation, no later than January 5, 2007.

2. Amend the repealer, correct internal references, and renumber the remaining sections accordingly.

APPROPRIATIONS COMMITTEE REPORT ON LB 1060

Pursuant to Rule 6, Section 14, the Appropriations Committee has examined the Governor's line-item vetoes contained in LB 1060.

The Appropriations Committee recommends override of the line-item veto, for Fiscal Year 2006-07 only, contained in section 208 of LB 1060, along with the associated earmarks for the fiscal year, for the Qualified Community Health Centers. The Committee's recommended override is for $218,750 General Funds.

(Signed) Don Pederson, Chair
Appropriations Committee

GENERAL FILE

LEGISLATIVE BILL 1249. Title read. Considered.

The Standing Committee amendment, AM2127, found on page 559, was considered.

Senator Friend asked unanimous consent to withdraw the Friend-Bourne pending amendment, AM2229, found on page 643, and replace it with his substitute pending amendment, AM2708, found on page 1108. No objections. So ordered.

SENATOR BAKER PRESIDING

Senator Mines moved the previous question. The question is, "Shall the debate now close?"

Senator Mines moved for a call of the house. The motion prevailed with 30 ayes, 2 nays, and 17 not voting.

The motion to cease debate failed with 18 ayes, 13 nays, 16 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

SENATOR CUDABACK PRESIDING

Senator Smith moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Senator Friend moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Bourne requested a roll call vote on the Friend amendment.

Voting in the affirmative, 11:

Aguilar	Friend	Kruse	Preister
Chambers	Janssen	Langemeier	Synowiecki
Connealy	Jensen	Pahls	

Voting in the negative, 18:

Baker	Cunningham	Kremer	Schrock	Thompson
Burling	Engel	Landis	Smith	Wehrbein
Byars	Hudkins	Pedersen, Dw.	Stuhr	
Combs	Kopplin	Redfield	Stuthman	

Present and not voting, 17:

Beutler	Cudaback	Foley	Mines	Schimek
Bourne	Erdman	Heidemann	Pederson, D.	
Brown	Fischer	Johnson	Price	
Cornett	Flood	Louden	Raikes	

Excused and not voting, 3:

Brashear	Howard	McDonald

The Friend amendment lost with 11 ayes, 18 nays, 17 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Bourne offered the following motion:
Reconsider the vote taken on AM2708.

Senator Brown moved the previous question. The question is, "Shall the debate now close?"

Senator Brown moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

The motion to cease debate prevailed with 25 ayes, 3 nays, and 21 not voting.

Senator Bourne requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 22:

Aguilar	Cornett	Howard	Kruse	Price
Beutler	Engel	Hudkins	Langemeier	Synowiecki
Bourne	Fischer	Janssen	Pahls	
Chambers	Friend	Jensen	Pederson, D.	
Connealy	Heidemann	Johnson	Preister	

Voting in the negative, 18:

Baker	Cunningham	Landis	Schrock	Thompson
Burling	Erdman	Pedersen, Dw.	Smith	Wehrbein
Byars	Foley	Redfield	Stuhr	
Combs	Kopplin	Schimek	Stuthman	

Present and not voting, 8:

Brashear	Cudaback	Kremer	Mines
Brown	Flood	Louden	Raikes

Excused and not voting, 1:

McDonald

The Bourne motion to reconsider failed with 22 ayes, 18 nays, 8 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 444. Introduced by Flood, 19; Brashear, 4.

WHEREAS, Clayton Andrews was born in 1920; and

WHEREAS, Clayton Andrews married Vivian Felt at Eglin Air Force Base, in Fort Walton Beach, Florida, on May 2, 1943, and has two daughters, Mrs. Jean Kaliner and Mrs. Jane Graber; and

WHEREAS, Clayton Andrews has owned and managed Andrews Van Lines since 1954, a business that has been in his family since it was started by his father, Albert Roy, in 1920, and expanded nationwide across the country; and

WHEREAS, Clayton Andrews founded "The Movers Round Table" and has served as its President for 28 years; and

WHEREAS, Clayton Andrews co-founded the Orphan Grain Train of Norfolk, Nebraska, in 1992, an organization that has donated more than $10 million in worldwide relief; and

WHEREAS, Clayton Andrews has been the recipient of many awards and honors, including being awarded membership in the Nebraska Pioneer Movers Hall of Fame by The Movers and Warehousemen's Division of the Nebraska Motor Carriers Association, being named Norfolk's Outstanding Citizen in 1994; and is an Honored Member of Who's Who in Leading Executives; and

WHEREAS, Lutheran High Northeast in Norfolk, Nebraska, has named its activities center the Clayton and Vivian Andrews Activity Center in recognition of his service to his church and his state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Clayton Andrews be recognized for his outstanding service and commitment to Madison County.

2. That a copy of this resolution be delivered to Mr. Clayton Andrews.

Laid over.

AMENDMENTS - Print in Journal

Senator Heidemann filed the following amendment to LB 1024:
AM3081

(Amendments to Standing Committee amendments, AM2687)

1. On page 108, line 14, after "equal" insert "the greater of (a)"; and in line 20 after "grouping" insert "or (b) if the school district's general fund levy was at or above ninety-nine cents per one hundred dollars of valuation for the previous year, the school district's prior year formula needs multiplied by one-hundred three percent".

Senator Mines filed the following amendment to LB 1227:
AM3079

1. Insert the following new section:

Sec. 9. Section 15, Legislative Bill 454, Ninety-ninth Legislature, Second Session, 2006, is amended to read:

Sec. 15. (1)(a) A permitholder may carry a concealed handgun anywhere in Nebraska, except any: Police, sheriff, or Nebraska State Patrol station or office; detention facility, prison, or jail; courtroom or building which contains a courtroom; federal, state, or local government building; polling place during a bona fide election; meeting of the governing body of a county, public school district, municipality, or other political subdivision; meeting of the Legislature or a committee of the Legislature; financial institution; professional, semiprofessional, or collegiate athletic event; school, school grounds, school-owned vehicle, or school-sponsored activity or athletic event; place of worship; emergency room or trauma center; childcare center;

domestic violence victim or sexual assault victim shelter; residence of another person without his or her permission; playground or municipal park; public swimming pool; public recreation facility; youth center; music concert; mental health facility; political rally or fundraiser; establishment having a license issued under the Nebraska Liquor Control Act that derives over one-half of its total income from the sale of alcoholic liquor; place where the possession or carrying of a firearm is prohibited by state or federal law; a place or premises where the person, persons, entity, or entities in control of the property or employer in control of the property has prohibited permitholders from carrying concealed handguns into or onto the place or premises; a passenger air terminal, except that a permitholder may, to the extent otherwise permitted by law, transport a concealed handgun into or out of a passenger air terminal for the sole purpose, respectively, of (i) presenting such concealed handgun to United States Customs and Border Protection officers in advance of an international flight in order to comply with federal law, (ii) checking such concealed handgun with his or her luggage, or (iii) retrieving such concealed handgun from the baggage claim area; or into or onto any other place or premises where handguns are prohibited by law or rule or regulation.

(b) A financial institution or air passenger terminal may authorize its security personnel to carry concealed handguns in the financial institution or air passenger terminal while on duty so long as each member of the security personnel, as authorized, is in compliance with the Concealed Handgun Permit Act and possesses a permit to carry a concealed handgun issued pursuant to the act.

(2) If a person, persons, entity, or entities in control of the property or an employer in control of the property prohibits a permitholder from carrying a concealed handgun into or onto the place or premises and such place or premises are open to the public, a permitholder does not violate this section unless the person, persons, entity, or entities in control of the property or employer in control of the property has posted conspicuous notice that carrying a concealed handgun is prohibited in or on the place or premises or has made a request, directly or through an authorized representative or management personnel, that the permitholder remove the concealed handgun from the place or premises. A permitholder carrying a concealed handgun in a vehicle into or onto any place or premises does not violate this section so long as the handgun is not removed from the vehicle while the vehicle is in or on the place or premises. An employer may prohibit employees or other persons who are permitholders from carrying concealed handguns in vehicles owned by the employer.

(3) A permitholder shall not carry a concealed handgun while he or she is consuming alcohol or while the permitholder has remaining in his or her blood, urine, or breath any previously consumed alcohol or any controlled substance as defined in section

28-401. A permitholder does not violate this subsection if the controlled substance in his or her blood, urine, or breath was lawfully obtained and was taken in therapeutically prescribed amounts.

2. On page 8, line 23, after the comma insert "and section 15, Legislative Bill 454, Ninety-ninth Legislature, Second Session, 2006,".

3. Renumber the remaining section accordingly.

GENERAL FILE

LEGISLATIVE BILL 1249. Senator Synowiecki withdrew his pending amendments, AM2512 and AM2513, found on page 906.

The Standing Committee amendment, AM2127, found on page 559 and considered in this day's Journal, was renewed.

Senator Chambers offered the following amendment to the Standing Committee amendment:
FA670

Amendment to AM2127

In line 12 after "determines" insert "after investigation".

SENATOR BAKER PRESIDING

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

SENATOR CUDABACK PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Senator Landis requested a roll call vote, in reverse order, on the Chambers amendment.

Voting in the affirmative, 12:

Aguilar	Cornett	Janssen	Mines
Bourne	Cudaback	Jensen	Preister
Chambers	Friend	Kruse	Synowiecki

Voting in the negative, 11:

Byars	Kopplin	Redfield	Thompson
Cunningham	Landis	Smith	Wehrbein
Foley	Langemeier	Stuhr	

Present and not voting, 25:

Baker	Combs	Flood	Kremer	Price
Beutler	Connealy	Heidemann	Louden	Raikes
Brashear	Engel	Howard	Pahls	Schimek
Brown	Erdman	Hudkins	Pedersen, Dw.	Schrock
Burling	Fischer	Johnson	Pederson, D.	Stuthman

Excused and not voting, 1:

McDonald

The Chambers amendment lost with 12 ayes, 11 nays, 25 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 385. Placed on Select File as amended.
(E & R amendment, AM7220, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 385A. Placed on Select File.

(Signed) Michael Flood, Chairperson

AMENDMENTS - Print in Journal

Senator Bourne filed the following amendment to LB 925:
AM3084

(Amendments to E & R amendments, AM7208)

1. Strike sections 3, 4, and 19 and insert the following new section:

Sec. 17. The Office of Probation Administration shall adopt and promulgate rules and regulations to approve the use of continuous alcohol monitoring devices by individuals sentenced to probation for violating section 60-6,196 or 60-6,197.

2. On page 3, lines 5, 6, and 8, strike the new matter.

3. On page 10, line 14, strike "8 and 16" and insert "6, 14, and 17"; and in line 20 strike "8" and insert "6".

4. On page 13, line 7, before "Upon" insert "(1)"; in lines 9 through 12 strike the new matter and reinstate the stricken matter; and in line 11 strike "(1)(a)", show as stricken, and insert "(a)(i)".

5. On page 14, line 2, strike "(b)(i)", show as stricken, and insert "(ii)(A)"; in line 19 strike "(ii)", show as stricken, and insert "(B)"; in lines 20 and 24 strike "(1)(b)(i)", show as stricken, and insert "(1)(a)(ii)(A)"; in line 26 strike "(iii)", show as stricken, and insert "(C)"; and in line 27 strike "(1)", show as stricken, and insert "(1)(a)".

6. On page 15, line 2, strike "(2)", show as stricken, and insert "(b)" and strike "(1)", show as stricken, and insert "(1)(a)"; in lines 4, 5, 10, 12, 13, 14, 18, and 19 strike the new matter; and after line 21 insert the following new subsection:

"(2) In addition to the restrictions required by subdivision (1)(b) of this section, the court may require a person convicted of a second or subsequent violation of section 60-6,196 or 60-6,197 to use a continuous alcohol monitoring device and abstain from alcohol use for a period of time not to exceed the maximum term of license revocation ordered by the court. A continuous alcohol monitoring device shall not be ordered for a person convicted of a second or subsequent violation unless the installation of an ignition interlock device is also required.".

7. On page 22, strike lines 18 through 20.

8. On page 23, strike beginning with "The" in line 12 through line 15.

9. On page 28, lines 2, 3, and 12, strike the new matter and reinstate the stricken matter; in line 13 strike "(b) Use" and insert "(2) If the court orders installation of an ignition interlock device pursuant to subsection (1) of this section, the court may also order the use of" and after "device" insert "and abstention from alcohol use"; in line 14 strike "while operating a motor vehicle"; strike beginning with "be" in line 14 through "shall" in line 15; in line 19 before "Any" insert "(3)"; in line 22 strike "(2)", show as stricken, and insert "(4)"; and in lines 22 through 25 strike the new matter and reinstate the stricken matter.

10. On page 29, lines 2, 3, 11, 12, 14, 15, 18, and 19, strike the new matter; in line 10 strike "(3)", show as stricken, and insert "(5)"; in line 11 reinstate the stricken matter; in line 17 strike "(4)", show as stricken, and insert "(6)"; in line 21 reinstate the stricken "or"; after line 25 insert the following new subsection:

"(7) If a person ordered to use a continuous alcohol monitoring device and abstain from alcohol use pursuant to a court order as provided in subsection (2) of this section violates the provisions of such court order by removing, tampering with, or otherwise bypassing the continuous alcohol monitoring device or by consuming alcohol while required to use such device, he or she shall have his or her Class O license revoked and be unable to apply for license reinstatement for the duration of the revocation period imposed by the court."; in line 26 strike "(5)", show as stricken, and insert "(8)"; and in line 27 strike the new matter.

11. On page 30, lines 1 and 2, strike the new matter and reinstate the stricken matter.

12. Correct the repealer and renumber the remaining sections accordingly.

Senator Bourne filed the following amendment to LB 1199:
(Amendment, AM3082, is printed separately and available in the Bill Room, Room 1104.)

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills and resolution were correctly engrossed: LBs 808, 956, 956A, 994, 994A, 1189, 1189A, 1222, and LR 259CA.

ER9098

Enrollment and Review Change to LB 808

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Raikes-Landis amendment, AM3003:

a. On page 4, line 27, "and" has been struck and shown as stricken;

b. On page 13, line 16, the first occurrence of "act" has been struck and "County Civil Service Act" inserted;

c. On page 17, line 8; and page 22, line 27, "act" has been struck and "County Civil Service Act" inserted; and

d. On page 26, line 3, "section" has been struck and "sections 23-114.03 and" inserted.

2. In the E & R amendments, AM7196, on page 2, lines 3, 4, and 5 have been struck; in line 7 "taxation" has been struck and "government" inserted; in line 8 "23-2517, 23-2519, 23-2520, 23-2522, 23-2524, 23-2525, 23-2526, 23-2527, 23-2531, 23-2533," has been inserted after the third comma; in line 10 "23-114.03, 23-2518," has been inserted after the second comma; in line 13 "77-1507.01," has been struck; and in line 16 "county zoning regulations, county civil service provisions," has been inserted after the first comma.

3. In the Standing Committee amendments, AM2210:

a. Section 30 and all amendments thereto have been struck and the following new section inserted:

Sec. 47. Sections 5, 24, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 43, 44, 49, and 52 of this act become operative on January 1, 2007. Sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 50 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.;

b. On page 30, line 1, "protestor" has been struck, shown as stricken, and "protester" inserted; and

c. On page 31, line 8; and page 32, line 13, "protestor" has been struck and "protester" inserted.

ER9097

Enrollment and Review Change to LB 1222

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7200:

a. On page 1, lines 5 and 6, "3, 4, and 11" has been struck and "5, 6, and 13" inserted; in line 12 "3 and 4" has been struck and "5 and 6" inserted;

b. On page 2, line 25, "per month per access line" has been inserted after "cents"; and

c. On page 9, lines 3 and 4, "the Enhanced Wireless 911 Services Act" has been struck and "telecommunications" inserted; and in line 6 "; to define and redefine terms" has been struck and ", and section 86-420, Revised Statutes Supplement, 2005; to provide duties for counties under the Emergency Telephone Communications Systems Act; to define and redefine terms under the Enhanced Wireless 911 Services Act" inserted.

(Signed) Michael Flood, Chairperson

VISITORS

Visitors to the Chamber were 33 fourth-grade students and teacher from Sandoz Elementary School, Lexington; Sarah Kersten from Bloomfield; and Adrian Draney from Lincoln.

The Doctor of the Day was Dr. Rubab Husain from Omaha.

ADJOURNMENT

At 7:00 p.m., on a motion by Speaker Brashear, the Legislature adjourned until 9:00 a.m., Wednesday, April 5, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-FIFTH DAY - APRIL 5, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

FIFTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 5, 2006

PRAYER

The prayer was offered by Senator Kruse.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Cornett who was excused; and Senators Baker, Brown, Combs, Jensen, Landis, Louden, McDonald, D. Pederson, Raikes, Synowiecki, Thompson, and Wehrbein who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fourth day was approved.

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 924:
AM3073

(Amendments to E & R amendments, AM7219)

1. On page 2, line 2, after "is" insert "primarily".

Senator Beutler filed the following amendment to LB 924:
AM3074

(Amendments to E & R amendments, AM7219)

1. On page 2, line 9, after "make" insert "all or a portion of".

GENERAL FILE

LEGISLATIVE BILL 489A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1199. E & R amendment, AM7204, found on page 1348, was adopted.

Senator Bourne renewed his pending amendment, AM3082, printed separately and referred to on page 1432.

The Bourne amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1199A. Senator Bourne offered the following amendment:
FA671

Insert the following new section:

Section 4. There is hereby appropriated $12,168 from the General Fund for FY2006-07 to the Department of Health and Human Services Regulation and Licensure, for Program 177, to aid in carrying out the provisions of Legislative Bill 1199, Ninety-ninth Legislature, Second Session, 2006.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

The Bourne amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1226. E & R amendment, AM7210, found on page 1350, was adopted.

Senator Louden asked unanimous consent to withdraw his pending amendment, FA646, found on page 1300, and replace it with his substitute amendment, AM2971. No objections. So ordered.
AM2971

(Amendments to Standing Committee amendments, AM2578)

1. Strike sections 4, 30, and 32.

2. Renumber the remaining sections and correct internal references accordingly.

Senator Louden moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Louden amendment lost with 3 ayes, 22 nays, 20 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Kremer reoffered the Kremer et al. amendment, AM2723, found on page 1064 and considered on page 1299.

Senator Beutler offered the following amendment to the Kremer et al. pending amendment:
FA672

Amendment to AM2723

Strike the new language on lines 7 and 8 on page 1.

Senator Beutler withdrew his amendment.

Senator Kremer withdrew the Kremer et al. amendment.

Senator Schrock asked unanimous consent to withdraw his pending amendment, AM2979, found on page 1346, and replace it with his substitute amendment, AM3069. No objections. So ordered.
AM3069

(Amendments to Standing Committee amendments, AM2578)

1. On page 84, line 15, after "46-715" insert ". This subdivision does not apply to a water user described in this subdivision that is regulated by the Industrial Ground Water Regulatory Act and the United States Nuclear Regulatory Commission".

The Schrock amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Senator Schrock renewed his pending amendment, AM2990, found on page 1383.

The Schrock amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Senator Langemeier offered the following amendment:
AM3078

(Amendments to Standing Committee amendments, AM2578)

1. On page 5, line 11, and page 40, line 3, after the period insert "No General Fund appropriations shall be made to this program after FY2007-08.".

SENATOR JANSSEN PRESIDING

The Langemeier amendment lost with 12 ayes, 16 nays, 16 present and not voting, and 5 excused and not voting.

Senator Beutler offered the following amendment:
AM3095

(Amendments to AM2578)

1. Insert the following new sections:

Sec. 30. (1) There shall be allowed a credit with respect to the income taxes imposed by the Nebraska Revenue Act of 1967 to a taxpayer who donates during the taxable year all or part of the value of a perpetual conservation easement upon real property the taxpayer owns to the state or to a charitable organization approved by the Department of Natural Resources which has the financial resources to indefinitely monitor and enforce the terms of the easement. The credit shall only be allowed for a donation that qualifies as a qualified conservation contribution pursuant to section 170(h) of the Internal Revenue Code of 1986, as amended. The amount of the credit shall not include the deduction for any portion of an easement on real property located in another state.

(2) To qualify for the income tax credit:

(a) The taxpayer shall file an application with the Department of Natural Resources. The department shall review the application and render a decision within sixty days. The department shall approve the application if the perpetual conservation easement meets the minimal requirements set forth in subdivision (2)(b) of this section and is located in an area designated as overappropriated pursuant to section 46-713 or determined to be fully appropriated pursuant to section 46-714.

(b) The perpetual conservation easement shall be in perpetuity and shall preclude any pumping of water except for (i) domestic purposes, (ii) stock well purposes, and (iii) restoration of wetlands. The easement may permit pumping of water during any period when the Department of Natural Resources determines there is not a water quantity shortage;

(c) The taxpayer shall file the approval of the perpetual conservation easement issued by the Department of Natural Resources with the return for the taxable year in which the income tax credit is claimed;

(d) The perpetual conservation easement shall be filed with the office of register of deeds of each county in which real property subject to the easement is located; and

(e) The holder of the perpetual conservation easement shall have a monitoring program to ensure that the terms of the easement are followed.

(3) The income tax credit shall be an amount equal to fifteen percent of the deduction taken by the taxpayer under section 170(h) of the Internal Revenue Code of 1986, as amended. If the conservation easement for which the deduction is taken covers land located in Nebraska and one or more other states, the amount of the deduction shall be apportioned by dividing the number of acres covered by the conservation easement that are located in Nebraska by the total number of acres covered by the conservation

easement. In the case of a partnership, subchapter S corporation, or other similar pass-through entity that donates a perpetual conservation easement as an entity, the credit shall be allocated to the entity's partners, members, or shareholders in proportion to the partners', members', or shareholders' distributive shares of income from the entity.

(4) If the income tax credit exceeds the amount of income tax due on the income of the taxpayer for the taxable year, the amount of the income tax credit not used shall be refunded.

(5) No new applications may be accepted for tax credits under this section after December 31, 2012.

(6) On or before January 1, 2008, and each January 1 thereafter through January 1, 2015, the Department of Revenue shall issue a report to the Legislature and Governor detailing the use of income tax credits under this section. A portion of the report shall show easements and income tax credits by natural resources district. The Department of Natural Resources shall assist the Department of Revenue with the report. The report shall be presented using aggregated information and other techniques so as not to reveal confidential information that allows identification of any taxpayer. The report shall not be issued until the Tax Commissioner has confirmed in writing that the report does not reveal any confidential information that allows identification of any taxpayer.

Sec. 31. Section 77-2701, Revised Statutes Supplement, 2005, is amended to read:

77-2701 Sections 77-2701 to 77-27,135.01, 77-27,222, and 77-27,228 to 77-27,234 and section 30 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967.

Sec. 32. Section 77-2715.07, Revised Statutes Supplement, 2005, is amended to read:

77-2715.07 (1) There shall be allowed to qualified resident individuals as a nonrefundable credit against the income tax imposed by the Nebraska Revenue Act of 1967:

(a) A credit equal to the federal credit allowed under section 22 of the Internal Revenue Code; and

(b) A credit for taxes paid to another state as provided in section 77-2730.

(2) There shall be allowed to qualified resident individuals against the income tax imposed by the Nebraska Revenue Act of 1967:

(a) For returns filed reporting federal adjusted gross incomes of greater than twenty-nine thousand dollars, a nonrefundable credit equal to twenty-five percent of the federal credit allowed under section 21 of the Internal Revenue Code of 1986, as amended;

(b) For returns filed reporting federal adjusted gross income of twenty-nine thousand dollars or less, a refundable credit equal to a percentage of the federal credit allowable under section

21 of the Internal Revenue Code of 1986, as amended, whether or not the federal credit was limited by the federal tax liability. The percentage of the federal credit shall be one hundred percent for incomes not greater than twenty-two thousand dollars, and the percentage shall be reduced by ten percent for each one thousand dollars, or fraction thereof, by which the reported federal adjusted gross income exceeds twenty-two thousand dollars;

(c) A refundable credit for individuals who qualify for an income tax credit under the Beginning Farmer Tax Credit Act for all taxable years beginning or deemed to begin on or after January 1, 2001, under the Internal Revenue Code of 1986, as amended; and

(d) A refundable credit for individuals who qualify for an income tax credit under the Nebraska Advantage Microenterprise Tax Credit Act or the Nebraska Advantage Research and Development Act.

(3) There shall be allowed to all individuals as a nonrefundable credit against the income tax imposed by the Nebraska Revenue Act of 1967:

(a) A credit for personal exemptions allowed under section 77-2716.01; and

(b) A credit for contributions to certified community betterment programs as provided in the Community Development Assistance Act. Each partner, each shareholder of an electing subchapter S corporation, each beneficiary of an estate or trust, or each member of a limited liability company shall report his or her share of the credit in the same manner and proportion as he or she reports the partnership, subchapter S corporation, estate, trust, or limited liability company income.

(4) There shall be allowed as a credit against the income tax imposed by the Nebraska Revenue Act of 1967:

(a) A credit to all resident estates and trusts for taxes paid to another state as provided in section 77-2730; and

(b) A credit to all estates and trusts for contributions to certified community betterment programs as provided in the Community Development Assistance Act.

(5) There shall be allowed to all business firms as a credit against the income tax imposed by the Nebraska Revenue Act of 1967 a credit as provided in section 77-27,222.

(6) There shall be allowed as a refundable credit against the income tax imposed by the Nebraska Revenue Act of 1967 a credit as provided in section 30 of this act.

Sec. 33. Section 77-2717, Revised Statutes Supplement, 2005, is amended to read:

77-2717 (1)(a) The tax imposed on all resident estates and trusts shall be a percentage of the federal taxable income of such estates and trusts as modified in section 77-2716, plus a percentage of the federal alternative minimum tax and the federal tax on premature or lump-sum distributions from qualified retirement plans. The additional taxes shall be recomputed by (i)

substituting Nebraska taxable income for federal taxable income, (ii) calculating what the federal alternative minimum tax would be on Nebraska taxable income and adjusting such calculations for any items which are reflected differently in the determination of federal taxable income, and (iii) applying Nebraska rates to the result. The federal credit for prior year minimum tax, after the recomputations required by the Nebraska Revenue Act of 1967, and the credits provided in the Nebraska Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research and Development Act, and section 77-27,222 and section 30 of this act shall be allowed as a reduction in the income tax due. A refundable income tax credit shall be allowed for all resident estates and trusts under the Nebraska Advantage Microenterprise Tax Credit Act and the Nebraska Advantage Research and Development Act.

(b) The tax imposed on all nonresident estates and trusts shall be the portion of the tax imposed on resident estates and trusts which is attributable to the income derived from sources within this state. The tax which is attributable to income derived from sources within this state shall be determined by multiplying the liability to this state for a resident estate or trust with the same total income by a fraction, the numerator of which is the nonresident estate's or trust's Nebraska income as determined by sections 77-2724 and 77-2725 and the denominator of which is its total federal income after first adjusting each by the amounts provided in section 77-2716.

(2) In all instances wherein a fiduciary income tax return is required under the provisions of the Internal Revenue Code, a Nebraska fiduciary return shall be filed, except that a fiduciary return shall not be required to be filed regarding a simple trust if all of the trust's beneficiaries are residents of the State of Nebraska, all of the trust's income is derived from sources in this state, and the trust has no federal tax liability. The fiduciary shall be responsible for making the return for the estate or trust for which he or she acts, whether the income be taxable to the estate or trust or to the beneficiaries thereof. The fiduciary shall include in the return a statement of each beneficiary's distributive share of net income when such income is taxable to such beneficiaries.

(3) The beneficiaries of such estate or trust who are residents of this state shall include in their income their proportionate share of such estate's or trust's federal income and shall reduce their Nebraska tax liability by their proportionate share of the credits as provided in the Nebraska Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research and Development Act, and section 77-27,222 and section 30 of this act. There shall be allowed to a beneficiary a refundable income tax credit under the Beginning Farmer Tax Credit Act for all taxable years beginning or deemed to begin on or after January 1, 2001, under the Internal Revenue Code of 1986, as amended.

(4) If any beneficiary of such estate or trust is a nonresident during any part of the estate's or trust's taxable year, he or she shall file a Nebraska income tax return which shall include (a) in Nebraska adjusted gross income that portion of the estate's or trust's Nebraska income, as determined under sections 77-2724 and 77-2725, allocable to his or her interest in the estate or trust and (b) a reduction of the Nebraska tax liability by his or her proportionate share of the credits as provided in the Nebraska Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research and Development Act, and section 77-27,222 and section 30 of this act and shall execute and forward to the fiduciary, on or before the original due date of the Nebraska fiduciary return, an agreement which states that he or she will file a Nebraska income tax return and pay income tax on all income derived from or connected with sources in this state, and such agreement shall be attached to the Nebraska fiduciary return for such taxable year.

(5) In the absence of the nonresident beneficiary's executed agreement being attached to the Nebraska fiduciary return, the estate or trust shall remit a portion of such beneficiary's income which was derived from or attributable to Nebraska sources with its Nebraska return for the taxable year. The amount of remittance, in such instance, shall be the highest individual income tax rate determined under section 77-2715.02 multiplied by the nonresident beneficiary's share of the estate or trust income which was derived from or attributable to sources within this state. The amount remitted shall be allowed as a credit against the Nebraska income tax liability of the beneficiary.

(6) The Tax Commissioner may allow a nonresident beneficiary to not file a Nebraska income tax return if the nonresident beneficiary's only source of Nebraska income was his or her share of the estate's or trust's income which was derived from or attributable to sources within this state, the nonresident did not file an agreement to file a Nebraska income tax return, and the estate or trust has remitted the amount required by subsection (5) of this section on behalf of such nonresident beneficiary. The amount remitted shall be retained in satisfaction of the Nebraska income tax liability of the nonresident beneficiary.

(7) For purposes of this section, unless the context otherwise requires, simple trust shall mean any trust instrument which (a) requires that all income shall be distributed currently to the beneficiaries, (b) does not allow amounts to be paid, permanently set aside, or used in the tax year for charitable purposes, and (c) does not distribute amounts allocated in the corpus of the trust. Any trust which does not qualify as a simple trust shall be deemed a complex trust.

Sec. 34. Section 77-2734.03, Revised Statutes Supplement, 2005, is amended to read:

77-2734.03 (1)(a) For taxable years commencing prior to

January 1, 1997, any (i) insurer paying a tax on premiums and assessments pursuant to section 77-908 or 81-523, (ii) electric cooperative organized under the Joint Public Power Authority Act, or (iii) credit union shall be credited, in the computation of the tax due under the Nebraska Revenue Act of 1967, with the amount paid during the taxable year as taxes on such premiums and assessments and taxes in lieu of intangible tax.

(b) For taxable years commencing on or after January 1, 1997, any insurer paying a tax on premiums and assessments pursuant to section 77-908 or 81-523, any electric cooperative organized under the Joint Public Power Authority Act, or any credit union shall be credited, in the computation of the tax due under the Nebraska Revenue Act of 1967, with the amount paid during the taxable year as (i) taxes on such premiums and assessments included as Nebraska premiums and assessments under section 77-2734.05 and (ii) taxes in lieu of intangible tax.

(c) For taxable years commencing or deemed to commence prior to, on, or after January 1, 1998, any insurer paying a tax on premiums and assessments pursuant to section 77-908 or 81-523 shall be credited, in the computation of the tax due under the Nebraska Revenue Act of 1967, with the amount paid during the taxable year as assessments allowed as an offset against premium and related retaliatory tax liability pursuant to section 44-4233.

(2) There shall be allowed to corporate taxpayers a tax credit for contributions to community betterment programs as provided in the Community Development Assistance Act.

(3) There shall be allowed to corporate taxpayers a refundable income tax credit under the Beginning Farmer Tax Credit Act for all taxable years beginning or deemed to begin on or after January 1, 2001, under the Internal Revenue Code of 1986, as amended.

(4) There shall be allowed to corporate taxpayers a tax credit as provided in section 77-27,222.

(5) The changes made to this section by Laws 2004, LB 983, apply to motor fuels purchased during any tax year ending or deemed to end on or after January 1, 2005, under the Internal Revenue Code of 1986, as amended.

(6) There shall be allowed to corporate taxpayers refundable income tax credits under the Nebraska Advantage Microenterprise Tax Credit Act and the Nebraska Advantage Research and Development Act.

(7) There shall be allowed to corporate taxpayers as a refundable credit against the income tax imposed by the Nebraska Revenue Act of 1967 a credit as provided in section 30 of this act.

Sec. 38. Original sections 77-2701, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Supplement, 2005, are repealed.

2. Correct the operative date section so that the sections added by this amendment become operative for all taxable

26 years beginning or deemed to begin on or after January 1, 2006,
27 under the Internal Revenue Code of 1986, as amended.

SENATOR CUDABACK PRESIDING

Senator Beutler withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1226A. Senator Schrock asked unanimous consent to withdraw his pending amendment, AM2973, found on page 1321, and replace it with his substitute pending amendment, AM3060, found on page 1408. No objections. So ordered.

The Schrock amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Senator Schrock withdrew his pending amendment, AM2980, found on page 1332.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 925. E & R amendment, AM7208, printed separately and referred to on page 1359, was adopted.

Senator Bourne renewed his pending amendment, AM3084, found on page 1430.

The Bourne amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 489A. Placed on Select File.

(Signed) Michael Flood, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 445. Introduced by Howard, 9.

WHEREAS, Paula and Lou Hyland have provided a safe and nurturing home to more than six hundred children in the Nebraska foster care system over the past thirty-five years; and

WHEREAS, Mr. and Mrs. Hyland have operated a licensed childcare home through the Nebraska Children's Home Childcare Program; and

WHEREAS, Mr. and Mrs. Hyland have cared for children ranging from newborns to pregnant teens of all races, ethnicities, and religions; and

WHEREAS, Paula and Lou Hyland have provided for the special needs of children with severe physical handicaps, behavioral disorders, and mental health challenges; and

WHEREAS, Mr. and Mrs. Hyland have made their home available twenty-four hours per day for emergency placement of children in need; and

WHEREAS, Paula and Lou Hyland, while serving as foster parents to hundreds of needy children, have raised four children of their own and sustained a thriving grocery store business over the course of their forty-eight-year marriage.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature honors the dedication of Paula and Lou Hyland and their many achievements on behalf of Nebraska children; and

2. That the Clerk of the Legislature send a copy of this resolution to the Hyland family.

Laid over.

AMENDMENTS - Print in Journal

Senator Jensen filed the following amendment to LB 965A:
AM3092

1. Insert the following new section:

Sec. 2. There is hereby appropriated (1) $250,000 from the General Fund for FY2006-07 and (2) $175,000 from the Long-Term Care Savings Plan Cash Fund for FY2007-08 to the State Treasurer, for Program 659, to aid in carrying out the provisions of Legislative Bill 965, Ninety-ninth Legislature, Second Session, 2006.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $52,000 for FY2006-07 or $52,000 for FY2007-08.

Senator Chambers filed the following amendment to LB 385:
FA673

Amendment to AM7220

Page 2, line 13 after "section 28-507" insert "provided that the real estate is a dwelling place intended for human occupancy".

MESSAGE FROM THE GOVERNOR

April 5, 2006

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 454, 454A were received in my office on March 30, 2006.

I signed these bills and delivered them to the Secretary of State on April 5, 2006.

Sincerely,
(Signed) Dave Heineman
Governor

UNANIMOUS CONSENT - Add Cointroducer

Senator Flood asked unanimous consent to add his name as cointroducer to LB 746. No objections. So ordered.

VISITORS

Visitors to the Chamber were Matt Habrock from Madison; 40 ninth- through twelfth-grade students and teachers from Millard South High School, Omaha; former Senator Jennie Robak from Columbus; 47 fourth-grade students, parents, and teachers from St. Michael's School, Hastings; 22 fourth-grade students and teacher from St. Bernard's School, Omaha; 35 fourth-grade students and teachers from Blessed Sacrament School, Lincoln; Senator Janssen's daughter, son-in-law, and granddaughter, Nola, David, and Maggie Swenson, from Hooper; and Larry Bayer from Norfolk.

RECESS

At 11:55 a.m., on a motion by Senator Janssen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senator Cornett who was excused; and Senators Brown, Combs, Jensen, and McDonald who were excused until they arrive.

SPEAKER BRASHEAR PRESIDING

REPORT OF THE EXECUTIVE BOARD

2006 Resolutions calling for an Interim Study

LR 303 Interim study to examine issues relating to the salary structure of the Commission of Industrial Relations
Business and Labor

LR 307 Interim study to examine whether insurance laws should be amended in order to allow insurance producers to charge fees for services
Banking, Commerce and Insurance

LR 308 Interim study to examine the funding mechanisms of Nebraska's two tribally-controlled community colleges
Education

LR 310 Interim study to review the fairness of the property tax valuation system
Revenue

LR 313 Interim study to explore policy options to promote increased employer-provided health insurance benefits for Nebraska's workforce
Health and Human Services

LR 314 Interim study to explore policy options that help families succeed in the transition from public assistance to work
Health and Human Services

LR 318 Interim study to review the threat of voter fraud in Nebraska
Government, Military and Veterans Affairs

LR 319 Interim study to examine the requirements necessary to implement state mandatory livestock price reporting in the event Congress fails to reauthorize federal mandatory price reporting
Agriculture

LR 320 Interim study to review the benefits and criticisms of the livestock friendly county program
Agriculture

LR 321 Interim study to examine the impact of Area Health Education Center programs on the health of the citizens of Nebraska
Health and Human Services

LR 322 Interim study to examine how the federal law referred to as the REAL ID Act, may alter the business practices of the

Department of Motor Vehicles
Transportation and Telecommunications

LR 323 Interim study to evaluate the locations of the Game and Parks Commission offices and the location of commission headquarters
Natural Resources

LR 324 Interim study to examine issues within the jurisdiction of the Transportation and Telecommunications Committee
Transportation and Telecommunications

LR 325 Interim study to examine the legislative intent in enacting the Nebraska Public Transportation Act and the appropriation of funds
Transportation and Telecommunications

LR 327 Interim study to examine the utilization by municipalities or counties of Transfer of Development Rights programs
Government, Military and Veterans Affairs

LR 328 Interim study to examine procedures for inspection of public park buildings
Government, Military and Veterans Affairs

LR 329 Interim study to examine statutes regarding the movement and transfer of cattle into and out of a brand commission area
Agriculture

LR 330 Interim study to examine statutory rape statutes and the deterrent effect of such statutes
Judiciary

LR 331 Interim study to examine the process by which determinations are made regarding custodial placement of children during divorce proceedings
Judiciary

LR 332 Interim study to examine issues relating to statutory rape
Judiciary

LR 333 Interim study to determine whether Nebraska should enact the Uniform Debt-Management Services Act
Banking, Commerce and Insurance

LR 334 Interim study to continue examining issues relating to the Uniform Trust Code
Banking, Commerce and Insurance

LR 336 Interim study of educational service units
Education

LR 337 Interim study to examine LB 1153 (2006) which allows for the development of a health information technology network
Judiciary

LR 338 Interim study to examine the employee retirement systems administered by the Public Employees Retirement Board
Nebraska Retirement Systems

LR 339 Interim study to review and update the General Principles of Sound Retirement Planning
Nebraska Retirement Systems

LR 340 Interim study to review actuarial assumptions used to perform the annual actuarial valuation for the retirement systems administered by the Public Employees Retirement Board
Nebraska Retirement Systems

LR 341 Interim study to examine the treatment of compensation for purposes of calculating retirement benefits under the School Employees Retirement Act and the Class V School Employees Retirement Act
Nebraska Retirement Systems

LR 342 Interim study to examine the minimum benefit for the purchasing power of the original benefit received upon retirement for members of the School Employees' Retirement System
Nebraska Retirement Systems

LR 343 Interim study to examine the need for the state to make an additional contribution to the School Employees' Retirement System under the Class V School Employees' Retirement Act
Nebraska Retirement Systems

LR 344 Interim study to examine matters relating to the licensing and regulating of electronic systems technicians
General Affairs

LR 345 Interim study to review community college funding statutes
Education

LR 347 Interim study to examine requiring Nebraska contractors to register with the Department of Labor and provide a surety bond
Business and Labor

LR 348 Interim study to examine the administrative license revocation process as administered by the Department of Motor Vehicles
Judiciary

LR 349 Interim study to examine issues relating to the governance of municipal libraries especially those in cities of the second class and villages
General Affairs

LR 350 Interim study to examine a requirement for significant purchasers of grain who are not required by law to be licensed or bonded to disclose that fact to grain sellers on scale tickets or contracts
Agriculture

LR 351 Interim study to examine transferring the operations of the Grain Warehouse Division of the Public Service Commission to the Dept. of Agriculture
Agriculture

LR 352 Interim study to examine issues relevant to the Nebraska Liquor Control Act and whether additional license categories, such as a bed and breakfast category are needed
General Affairs

LR 353 Interim study of cemetery statutes
General Affairs

LR 354 Interim study of the process of micro-distillation and to determine the necessity for legislation
General Affairs

LR 355 Interim study of the issue of unlicensed and uninsured drivers
Judiciary/ Transportation and Telecommunications

LR 356 Interim study of the School Employees Retirement Act and determining whether to make participation in the system voluntary
Nebraska Retirement Systems

LR 357 Interim study of construction and safety standards and enforcement regulations relating to modular housing
Health and Human Services

LR 359 Interim study to examine county board of equalization processes and changes to the homestead exemption program
Revenue

LR 360 Interim study to examine the sales tax structure relating to both

self-serve and fully-automated car washes
Revenue

LR 361 Interim study to examine programs administered by the Dept. of Environmental Quality which use agricultural inspectors
Natural Resources

LR 362 Interim study to examine statutes which require the completion of a cost-benefit analysis before state agencies may enter into a contract for services
Government, Military and Veterans Affairs

LR 363 Interim study to examine the recycling of electronic waste
Natural Resources

LR 364 Interim study to examine automobile insurance rates which are based on the occupation of the insurance applicant
Banking, Commerce and Insurance

LR 365 Interim study to examine renewable energy development in Nebraska
Natural Resources

LR 366 Interim study to examine issues relating to uninsured motorists
Transportation and Telecommunications

LR 367 Interim study to examine the Workplace Safety Consultation Program
Business and Labor

LR 368 Interim study to develop legislation to encourage businesses to use recyclable materials in their manufacturing processes
Revenue

LR 369 Interim study to examine valuation and taxation of mineral interests for property tax purposes
Revenue

LR 370 Interim study to continue examination of rural economic development issues in Nebraska
Executive Board

LR 371 Interim study of issues relating to winemaking and promoting the grape industry
General Affairs/Agriculture

LR 372 Interim study to examine policies to maximize new market opportunities to help Nebraska become competitive with other states that are pursuing renewable energy development

Natural Resources

LR 373 Interim study to determine whether to implement a court screening process statewide to determine eligibility for indigent defense
Judiciary

LR 374 Interim study to examine the current coroner system in which county attorneys are designated as county coroners
Judiciary

LR 375 Interim study to examine the state's employee health insurance program
Government, Military and Veterans Affairs

LR 376 Interim study to examine the composition, qualifications, terms of service, and duties and responsibilities of the Public Employees Retirement Board
Nebraska Retirement Systems

LR 377 Interim study to examine advantages, barriers, and opportunities to housing diversification in a metropolitan city
Executive Board

LR 378 Interim study to examine issues within the jurisdiction of the Education Committee
Education

LR 379 Interim study to address issues surrounding long-term residential treatment resources for chemical dependency
Health and Human Services

LR 380 Interim study of parole issues
Judiciary

LR 381 Interim study to examine procedures to be followed by the Department of Motor Vehicles when motor vehicle liability insurance is canceled or terminated
Transportation and Telecommunications

LR 382 Interim study to evaluate implementation of a new rule regarding acceptable forms of payment between retail licensees and wholesale licensees for purchases of alcoholic beverages
General Affairs

LR 383 Interim study to examine issues surrounding the use of ignition interlock devices for people who have been convicted of driving under the influence

Judiciary

LR 384 Interim study to examine use of tax-deferred exchanges, also known as Starker exchanges
Revenue

LR 386 Interim study to examine the economic impact of net metering on private renewable energy production
Natural Resources

LR 387 Interim study to determine whether Nebraska should enact the Uniform Real Property Electronic Recording Act
Banking, Commerce and Insurance

LR 388 Interim study to determine whether Nebraska should enact the Uniform Residential Mortgage Satisfaction Act
Banking, Commerce and Insurance

LR 389 Interim study to examine the possibility of interbasin transfers during water-short years to assist the state in complying with any interstate compact
Natural Resources

LR 390 Interim study to examine the exemption of certain individuals from requirements of the Geologists Regulation Act
Natural Resources

LR 391 Interim study to examine the possibility for elimination of park entry permit fees and possible replacement dollars
Natural Resources

LR 392 Interim study to examine permit application rejection, disciplinary actions, and frivolous complaints under the Livestock Waste Management Act
Natural Resources

LR 393 Interim study to examine the effects of conservation practices on water quantity in Nebraska's rivers and streams
Natural Resources

LR 394 Interim study to review the Nebraska Resources Development Fund in the Department of Natural Resources
Natural Resources

LR 395 Interim study to examine school district boundary issues, adequacy of financial resources, racial diversity, and other issues in the Douglas County metropolitan area
Education

LR 397 Interim study to examine issues relating to organic food production
Agriculture

LR 398 Interim study to explore the issue of fees which are collected and retained by public officials and employees
Government, Military and Veterans Affairs

LR 399 Interim study to compare and contrast Nebraska statutes pertaining to dissolution of marriage, child custody, visitation, and protection orders, with California statutes
Judiciary

LR 400 Interim study to examine and provide recommendations relating to the Welfare Reform Act and state-funded public assistance programs
Health and Human Services

LR 401 Interim study to examine development of a plan for coordinating and funding of publicly funded services and support on behalf of persons with traumatic brain injury and their families
Health and Human Services

LR 402 Interim study to examine issues within the jurisdiction of the Health and Human Services Committee
Health and Human Services

LR 403 Interim study to follow-up on recommendations made in the report "Moving Past the Era of Good Intentions: Methamphetamine Treatment Study" conducted by the University of Nebraska at Omaha
Judiciary

LR 404 Interim study of the Nebraska Health and Human Services System and related issues
Health and Human Services

LR 405 Interim study to provide recommendations relating to the provision of state-funded assistance to low-income women for health care
Health and Human Services

LR 406 Interim study to provide recommendations relating to development and funding of a statewide immunization registry
Health and Human Services

LR 407 Interim study to review options available to cities and villages to conduct economic development activities on their own

initiative
Urban Affairs

LR 408 Interim study to examine issues within the jurisdiction of the Urban Affairs Committee
Urban Affairs

LR 409 Interim study to examine fines issued and other actions taken by the Department of Environmental Quality for violations of program statutes and regulations
Natural Resources

LR 410 Interim study to evaluate the variables affecting the incidence of suicide in county and city jail facilities
Government, Military and Veterans Affairs

LR 411 Interim study to determine how Nebraska can encourage private landowners to allow the general public to hunt, fish, and trap on their land
Natural Resources

LR 412 Interim study to examine whether the benefits of a unicameral system of government have been realized
Government, Military and Veterans Affairs

LR 413 Interim study to examine creation of lump-sum staff salary budgets for state senators
Executive Board

LR 414 Interim study to review the status of public higher education
Education

LR 415 Interim study to examine issues associated with implementation of an animal identification program
Agriculture

LR 416 Interim study to reexamine the effects of changing the age of majority from 19 to 18 years of age
Judiciary

LR 417 Interim study to examine the retirement system in place for peace officers
Nebraska Retirement Systems

LR 418 Interim study to examine ways to support and develop the vehicle service and towing industry
Transportation and Telecommunications

LR 419 Interim study to examine issues involved with seeking a

federal exemption extending the length of combination vehicles for purposes of hauling grain
Transportation and Telecommunications

LR 421 Interim study to review child custody proceedings and determinations
Judiciary

LR 422 Interim study to examine hospital districts' access to property tax revenue
Revenue

LR 423 Interim study to continue examination of Nebraska's tax structure
Revenue

LR 424 Interim study to examine negotiating a fuel tax agreement between the state and the Ponca Tribe of Nebraska
Revenue

LR 425 Interim study to examine the tax sale certificate process
Revenue

LR 426 Interim study to review action taken in other states and on the national level relating to identity theft
Judiciary

LR 428 Interim study to examine current safety requirements and to determine whether tornado shelters should be required in mobile home parks
Health and Human Services

LR 429 Interim study to examine procedures utilized by the Nebraska Environmental Trust
Natural Resources

LR 430 Interim study to examine potential conflicts between and among the regulations governing livestock waste control and groundwater quality standards and use classifications
Natural Resources

LR 431 Interim study to examine reporting requirements under the Political Accountability and Disclosure Act of contributions, expenditures, and services by businesses and organizations
Government, Military and Veterans Affairs

LR 432 Interim study to determine whether providers of medical services should have standing in the workers' compensation court

Business and Labor

LR 433 Interim study to examine overpayments made under the Employment Security Law
Business and Labor

LR 434 Interim study to examine specific issues under the Nebraska Workers' Compensation Act
Business and Labor

LR 435 Interim study of the State Tort Claims Act and the State Miscellaneous Claims Act
Government, Military and Veterans Affairs/Business and Labor

LR 436 Interim study to examine issues relating to permitting out of state employees to collect Nebraska workers' compensation benefits
Business and Labor

LR 437 Interim study to examine issues within the jurisdiction of the Government, Military and Veterans Affairs Committee
Government, Military and Veterans Affairs

LR 438 Interim study to examine personnel issues surrounding a proposed merger of the offices of probation and parole administration under the executive branch or the Supreme Court
Judiciary

LR 439 Interim study to examine constitutional issues raised in LB 1249 relating to natural gas regulation
Judiciary/Urban Affairs

LR 442 Interim study to examine the legislative confirmation process of gubernatorial appointees
Government, Military and Veterans Affairs

(Signed) L. Patrick Engel, Chairperson
Legislative Council, Executive Board

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 385, 396, 420, and 427 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 385, 396, 420, and 427.

SENATOR CUDABACK PRESIDING

MOTION - Override Line-Item Veto on LB 1060

The Appropriations Committee offered the following motion:
Override the Governor's line-item veto contained in the following section of LB 1060:

1) Section 208, Agency 26, Department of Health and Human Services - Finance and Support, Program 502 (Public Health Aid), for Fiscal Year 2006-07 only, and the earmarked amounts for FY 2006-07 only, as contained in Section 208, for Qualified Community Health Centers.

Senator Chambers requested a roll call vote on the motion to override the line-item veto.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 41:

Aguilar	Engel	Janssen	Pahls	Stuhr
Baker	Erdman	Jensen	Pedersen, Dw.	Stuthman
Beutler	Fischer	Johnson	Pederson, D.	Synowiecki
Brown	Flood	Kopplin	Preister	Thompson
Byars	Foley	Kremer	Price	Wehrbein
Chambers	Friend	Kruse	Raikes	
Connealy	Heidemann	Langemeier	Schimek	
Cudaback	Howard	Louden	Schrock	
Cunningham	Hudkins	Mines	Smith	

Voting in the negative, 0.

Present and not voting, 4:

Bourne	Burling	Landis	Redfield

Excused and not voting, 4:

Brashear	Combs	Cornett	McDonald

Having received a constituional three-fifths majority voting in the affirmative, that portion of the bill passed notwithstanding the line-item objections of the Governor.

MOTION - Override Line-Item Veto on LB 1060

Senators Connealy, Chambers, and Dw. Pedersen offered the following motion:
To override the Governor's line-item veto, for Fiscal Year 2006-07 only, contained in section 45 of LB 1060 of $325,773 for four staff positions and the employer match for teacher retirement in the Department of Education.

SENATOR BOURNE PRESIDING

SENATOR CUDABACK PRESIDING

Senator Connealy moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Senator Connealy requested a roll call vote on the motion to override the line-item veto.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 14:

Aguilar	Chambers	Kopplin	Pedersen, Dw.	Schimek
Beutler	Connealy	Louden	Preister	Thompson
Byars	Howard	Pahls	Price	

Voting in the negative, 24:

Bourne	Fischer	Janssen	Langemeier	Smith
Burling	Flood	Jensen	Mines	Stuhr
Cunningham	Foley	Johnson	Pederson, D.	Stuthman
Engel	Heidemann	Kremer	Raikes	Wehrbein
Erdman	Hudkins	Landis	Redfield	

Present and not voting, 8:

Baker	Brown	Friend	Schrock
Brashear	Cudaback	Kruse	Synowiecki

Excused and not voting, 3:

Combs	Cornett	McDonald

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 446. Introduced by Howard, 9.

WHEREAS, Rudy Srb enjoyed a rich life that brought music and comfort to the lives of others for decades; and

WHEREAS, Rudy Srb, upon graduating from Central High School and earning a bachelor's degree in music from Omaha University, joined the army and performed with the West Point Academy Band; and

WHEREAS, Mr. Srb, specializing in clarinet and piano, earned a master's degree in music from the University of Nebraska and taught vocal and instrumental music throughout Nebraska and Iowa; and

WHEREAS, Rudy Srb reunited an orchestra of family members and friends in the 1980's and recorded an album of Czech polkas and waltzes, "Reflections of Dr. Srb's Orchestra", and continued to play with bands and teach private lessons for children after his retirement; and

WHEREAS, Rudy Srb found a second twelve-year career as a driver and case aide for the Nebraska Health and Human Services foster care system; and

WHEREAS, Mr. Srb went above and beyond the call of duty for foster children by personally providing them with clothing, food, and other basic necessities; and

WHEREAS, Mr. Srb demonstrated a commitment to helping children and others throughout his life.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature honors the memory of Rudy Srb and his many achievements.

2. That the Clerk of the Legislature send a copy of this resolution to the Srb family.

Laid over.

LEGISLATIVE RESOLUTION 447. Introduced by Preister, 5; Beutler, 28.

WHEREAS, more than forty years ago, the well-known writer, scientist, and ecologist, Rachel Carson, alerted America and the world to the potential hazards of pesticides in her landmark book "Silent Spring"; and

WHEREAS, despite Rachel Carson's warning, more than 6.6 billion pounds of pesticides are spread on the earth annually and the quantity of pesticides used in the United States has continued to grow over the years and poses a potential threat to all life forms; and

WHEREAS, our children are uniquely vulnerable to chemical pesticides due to their developing physiology and to their habit of frequently putting their hands into their mouths; and

WHEREAS, chemical pesticides applied outdoors are washed into our waterways and our drinking water sources. Several types of cancer,

neurological disease, endocrine disorders, and birth defects have all been associated with exposure to common pesticides; and

WHEREAS, Rachel Carson made a profound impact on how we treat the environment and more can still be done to further her legacy; and

WHEREAS, the Legislature would like to invite citizens throughout Nebraska to observe May 27th, 2006, the anniversary of the birth date of Rachel Carson, by refraining from using pesticides on that day and to ask the citizens of Nebraska for their cooperation in seeking alternative methods of pest management, including the practice of integrated pest management.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature designates May 27, 2006, as Rachel Carson Day.

Laid over.

AMENDMENT - Print in Journal

Senator Erdman filed the following amendment to LB 821:
AM3086

1. Strike amendment 1 and insert the following new amendment:

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. An exempt student shall be eligible to enroll pursuant to section 2 of this act as a part-time student in a public school operated in the student's school district of residence or in an option school district as provided in the enrollment option program established under sections 79-232 to 79-246. For purposes of sections 1 to 4 of this act, exempt student means a student enrolled in a school which elects not to meet state accreditation or approval requirements pursuant to section 79-1601.

Sec. 2. Each school board shall, not later than August 1, 2006, adopt policies and procedures that allow the part-time enrollment of exempt students. Such policies and procedures may require exempt students enrolled part-time to follow other school policies that apply to students at any time the exempt student is present on school grounds or at a school-sponsored activity or athletic event.

Sec. 3. Part-time enrollment shall not entitle a student to transportation or transportation reimbursements pursuant to section 79-611.

Sec. 4. Nothing in sections 1 to 3 of this act shall be construed to exempt any student from the compulsory attendance provisions of sections 79-201 to 79-207.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 85.

A BILL FOR AN ACT relating to personal assets; to amend sections 12-1106 and 68-129, Reissue Revised Statutes of Nebraska; to change provisions relating to designation of irrevocable funds; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Aguilar	Connealy	Heidemann	Langemeier	Redfield
Baker	Cudaback	Howard	Louden	Schimek
Beutler	Cunningham	Hudkins	Mines	Schrock
Bourne	Engel	Janssen	Pahls	Smith
Brashear	Erdman	Jensen	Pedersen, Dw.	Stuhr
Brown	Fischer	Johnson	Pederson, D.	Synowiecki
Burling	Flood	Kopplin	Preister	Thompson
Byars	Foley	Kruse	Price	Wehrbein
Chambers	Friend	Landis	Raikes	

Voting in the negative, 0.

Present and not voting, 2:

Kremer	Stuthman

Excused and not voting, 3:

Combs	Cornett	McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 85A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 85, Ninety-ninth Legislature, Second Session, 2006.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Aguilar	Cudaback	Howard	Langemeier	Redfield
Baker	Cunningham	Hudkins	Louden	Schimek
Bourne	Engel	Janssen	Mines	Schrock
Brashear	Erdman	Jensen	Pahls	Smith
Brown	Fischer	Johnson	Pedersen, Dw.	Stuhr
Burling	Flood	Kopplin	Pederson, D.	Synowiecki
Byars	Foley	Kremer	Preister	Thompson
Chambers	Friend	Kruse	Price	Wehrbein
Connealy	Heidemann	Landis	Raikes	

Voting in the negative, 0.

Present and not voting, 2:

Beutler Stuthman

Excused and not voting, 3:

Combs Cornett McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 366 with 37 ayes, 3 nays, 6 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 366.

A BILL FOR AN ACT relating to retirement; to amend sections 2-1608, 23-2301, 23-2306, 23-2306.03, 23-2319, 84-1301, 84-1307, 84-1308, and 84-1321, Revised Statutes Cumulative Supplement, 2004, and sections 23-2308.01 and 84-1309.02, Revised Statutes Supplement, 2005; to change membership and contribution provisions relating to county and state retirement systems; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 23-2306.01 and 84-1326.02, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Aguilar	Cudaback	Hudkins	Mines	Smith
Baker	Cunningham	Janssen	Pahls	Stuhr
Beutler	Engel	Jensen	Pedersen, Dw.	Stuthman
Bourne	Erdman	Johnson	Pederson, D.	Synowiecki
Brashear	Fischer	Kopplin	Preister	Thompson
Brown	Flood	Kremer	Price	Wehrbein
Burling	Foley	Kruse	Raikes	
Byars	Friend	Landis	Redfield	
Chambers	Heidemann	Langemeier	Schimek	
Connealy	Howard	Louden	Schrock	

Voting in the negative, 0.

Excused and not voting, 3:

Combs	Cornett	McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 542. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to create the Tax Policy Reform Commission; to provide powers and duties; to provide a termination date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Aguilar	Cudaback	Heidemann	Kruse	Redfield
Baker	Cunningham	Howard	Landis	Schrock
Beutler	Engel	Hudkins	Langemeier	Smith
Bourne	Erdman	Janssen	Louden	Stuhr
Brashear	Fischer	Jensen	Mines	Stuthman
Burling	Flood	Johnson	Pahls	Synowiecki
Byars	Foley	Kopplin	Price	Thompson
Connealy	Friend	Kremer	Raikes	Wehrbein

Voting in the negative, 2:

Chambers	Preister

Present and not voting, 4:

Brown	Pedersen, Dw.	Pederson, D.	Schimek

Excused and not voting, 3:

Combs	Cornett	McDonald

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 542A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 542, Ninety-ninth Legislature, Second Session, 2006; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Aguilar	Cudaback	Friend	Kruse	Schrock
Baker	Cunningham	Heidemann	Landis	Smith
Bourne	Engel	Hudkins	Langemeier	Stuhr
Brashear	Erdman	Jensen	Louden	Stuthman
Burling	Fischer	Johnson	Mines	Synowiecki
Byars	Flood	Kopplin	Pahls	Thompson
Connealy	Foley	Kremer	Raikes	Wehrbein

Voting in the negative, 3:

Chambers	Howard	Preister

Present and not voting, 8:

Beutler	Janssen	Pederson, D.	Redfield
Brown	Pedersen, Dw.	Price	Schimek

Excused and not voting, 3:

Combs	Cornett	McDonald

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 605. With Emergency.

A BILL FOR AN ACT relating to state universities and state colleges; to state intent; to create the University of Nebraska Facilities Program of 2006

and the State Colleges Facilities Program of 2006; to provide powers and duties for the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges relating to construction and improvement projects; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Aguilar	Connealy	Heidemann	Landis	Schimek
Baker	Cudaback	Howard	Louden	Schrock
Beutler	Cunningham	Hudkins	Mines	Smith
Bourne	Engel	Janssen	Pahls	Stuhr
Brashear	Erdman	Jensen	Pedersen, Dw.	Stuthman
Brown	Fischer	Johnson	Pederson, D.	Synowiecki
Burling	Flood	Kopplin	Preister	Thompson
Byars	Foley	Kremer	Price	Wehrbein
Chambers	Friend	Kruse	Raikes	

Voting in the negative, 1:

Langemeier

Present and not voting, 1:

Redfield

Excused and not voting, 3:

Combs	Cornett	McDonald

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 605A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 605, Ninety-ninth Legislature, Second Session, 2006; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Baker	Cudaback	Howard	Langemeier	Schimek
Beutler	Cunningham	Hudkins	Louden	Schrock
Bourne	Engel	Janssen	Mines	Smith
Brashear	Erdman	Jensen	Pahls	Stuhr
Brown	Fischer	Johnson	Pedersen, Dw.	Stuthman
Burling	Flood	Kopplin	Pederson, D.	Synowiecki
Byars	Foley	Kremer	Preister	Thompson
Chambers	Friend	Kruse	Price	Wehrbein
Connealy	Heidemann	Landis	Raikes	

Voting in the negative, 0.

Present and not voting, 2:

Aguilar	Redfield

Excused and not voting, 3:

Combs	Cornett	McDonald

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 690.

A BILL FOR AN ACT relating to education; to adopt the Career Education Partnership Act; and to provide a termination date.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Aguilar	Cunningham	Hudkins	Louden	Schrock
Baker	Engel	Janssen	Mines	Smith
Beutler	Erdman	Jensen	Pahls	Stuhr
Bourne	Fischer	Johnson	Pedersen, Dw.	Stuthman
Brashear	Flood	Kopplin	Pederson, D.	Synowiecki
Burling	Foley	Kremer	Preister	Thompson
Byars	Friend	Kruse	Price	Wehrbein
Connealy	Heidemann	Landis	Raikes	
Cudaback	Howard	Langemeier	Schimek	

Voting in the negative, 0.

Present and not voting, 3:

Brown	Chambers	Redfield

Excused and not voting, 3:

Combs	Cornett	McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 690A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 690, Ninety-ninth Legislature, Second Session, 2006.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Aguilar	Engel	Hudkins	Langemeier	Schimek
Baker	Erdman	Janssen	Louden	Schrock
Bourne	Fischer	Jensen	Pahls	Smith
Brashear	Flood	Johnson	Pedersen, Dw.	Stuhr
Brown	Foley	Kopplin	Pederson, D.	Stuthman
Byars	Friend	Kremer	Preister	Synowiecki
Connealy	Heidemann	Kruse	Price	Thompson
Cunningham	Howard	Landis	Raikes	Wehrbein

Voting in the negative, 0.

Present and not voting, 6:

Beutler	Chambers	Mines
Burling	Cudaback	Redfield

Excused and not voting, 3:

Combs	Cornett	McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 746.

A BILL FOR AN ACT relating to court costs; to amend sections 81-1413, 81-1428, and 81-1429, Revised Statutes Cumulative Supplement, 2004; to state intent; to provide for grants for civil legal services to eligible low-income persons; to create a fund; to provide and change provisions relating to fees and use of court costs; to change provisions relating to funding of law enforcement training; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Aguilar	Connealy	Heidemann	Landis	Raikes
Baker	Cudaback	Howard	Langemeier	Schimek
Beutler	Cunningham	Hudkins	Louden	Schrock
Bourne	Engel	Janssen	Mines	Smith
Brashear	Erdman	Jensen	Pahls	Stuhr
Brown	Fischer	Johnson	Pedersen, Dw.	Stuthman
Burling	Flood	Kopplin	Pederson, D.	Thompson
Byars	Foley	Kremer	Preister	Wehrbein
Chambers	Friend	Kruse	Price	

Voting in the negative, 0.

Present and not voting, 2:

Redfield	Synowiecki

Excused and not voting, 3:

Combs	Cornett	McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 746A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 746, Ninety-ninth Legislature, Second Session, 2006; and to reduce appropriations.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Aguilar	Cudaback	Hudkins	Louden	Schrock
Baker	Cunningham	Janssen	Mines	Smith
Bourne	Engel	Jensen	Pahls	Stuhr
Brashear	Erdman	Johnson	Pedersen, Dw.	Stuthman
Brown	Fischer	Kopplin	Pederson, D.	Thompson
Burling	Flood	Kremer	Preister	Wehrbein
Byars	Foley	Kruse	Price	
Chambers	Friend	Landis	Raikes	
Connealy	Heidemann	Langemeier	Schimek	

Voting in the negative, 0.

Present and not voting, 4:

Beutler	Howard	Redfield	Synowiecki

Excused and not voting, 3:

Combs	Cornett	McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 795. With Emergency.

A BILL FOR AN ACT relating to school finance; to amend section 79-1010, Reissue Revised Statutes of Nebraska; to change provisions related to the repayment of incentive payments by school districts; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Aguilar	Cudaback	Howard	Langemeier	Redfield
Baker	Cunningham	Hudkins	Louden	Schimek
Beutler	Engel	Janssen	Mines	Schrock
Bourne	Erdman	Jensen	Pahls	Stuhr
Brashear	Fischer	Johnson	Pedersen, Dw.	Stuthman
Brown	Flood	Kopplin	Pederson, D.	Synowiecki
Byars	Foley	Kremer	Preister	Thompson
Chambers	Friend	Kruse	Price	Wehrbein
Connealy	Heidemann	Landis	Raikes	

Voting in the negative, 0.

Present and not voting, 2:

Burling	Smith

Excused and not voting, 3:

Combs	Cornett	McDonald

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 817.

A BILL FOR AN ACT relating to state constitutional officers; to amend section 75-104, Reissue Revised Statutes of Nebraska, and sections 84-101.01, 84-201.01, and 84-721, Revised Statutes Cumulative Supplement, 2004; to change the salaries of the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, and members of the Public Service Commission; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Aguilar	Cunningham	Jensen	Mines	Schrock
Baker	Engel	Johnson	Pahls	Smith
Bourne	Fischer	Kopplin	Pedersen, Dw.	Stuhr
Brashear	Flood	Kremer	Pederson, D.	Stuthman
Brown	Friend	Kruse	Price	Synowiecki
Byars	Heidemann	Landis	Raikes	Thompson
Chambers	Hudkins	Langemeier	Redfield	Wehrbein
Cudaback	Janssen	Louden	Schimek	

Voting in the negative, 3:

Erdman	Howard	Preister

Present and not voting, 4:

Beutler	Burling	Connealy	Foley

Excused and not voting, 3:

Combs	Cornett	McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 817A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 817, Ninety-ninth Legislature, Second Session, 2006; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Aguilar	Cunningham	Jensen	Mines	Stuthman
Baker	Engel	Johnson	Pahls	Synowiecki
Bourne	Fischer	Kopplin	Pedersen, Dw.	Thompson
Brashear	Flood	Kremer	Pederson, D.	Wehrbein
Brown	Friend	Kruse	Raikes	
Byars	Heidemann	Landis	Schrock	
Chambers	Hudkins	Langemeier	Smith	
Cudaback	Janssen	Louden	Stuhr	

Voting in the negative, 4:

Erdman	Howard	Preister	Redfield

Present and not voting, 6:

Beutler	Connealy	Price
Burling	Foley	Schimek

Excused and not voting, 3:

Combs	Cornett	McDonald

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 872 with 35 ayes, 3 nays, 8 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 872.

A BILL FOR AN ACT relating to the environment; to amend section 81-1505, Revised Statutes Cumulative Supplement, 2004, and sections 77-2701 and 81-1505.04, Revised Statutes Supplement, 2005; to provide a renewable energy tax credit; to change provisions relating to emissions trading programs under the Environmental Protection Act; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Aguilar	Cunningham	Hudkins	Louden	Schimek
Baker	Engel	Janssen	Mines	Schrock
Beutler	Erdman	Jensen	Pahls	Smith
Bourne	Fischer	Johnson	Pedersen, Dw.	Stuhr
Brashear	Flood	Kopplin	Pederson, D.	Stuthman
Brown	Foley	Kremer	Preister	Synowiecki
Byars	Friend	Kruse	Price	Thompson
Connealy	Heidemann	Landis	Raikes	Wehrbein
Cudaback	Howard	Langemeier	Redfield	

Voting in the negative, 0.

Present and not voting, 2:

Burling	Chambers

Excused and not voting, 3:

Combs	Cornett	McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 872A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 872, Ninety-ninth Legislature, Second Session, 2006.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Aguilar	Cunningham	Hudkins	Louden	Schrock
Baker	Engel	Janssen	Mines	Smith
Beutler	Erdman	Jensen	Pahls	Stuhr
Bourne	Fischer	Johnson	Pedersen, Dw.	Stuthman
Brashear	Flood	Kopplin	Preister	Synowiecki
Brown	Foley	Kremer	Price	Thompson
Byars	Friend	Kruse	Raikes	Wehrbein
Connealy	Heidemann	Landis	Redfield	
Cudaback	Howard	Langemeier	Schimek	

Voting in the negative, 0.

Present and not voting, 3:

Burling	Chambers	Pederson, D.

Excused and not voting, 3:

Combs	Cornett	McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 990 with 36 ayes, 3 nays, 7 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 990.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,188.02, 77-27,189, 77-5201, 77-5203, 77-5208, 77-5209, 77-5211, 77-5212, and 77-5213, Reissue Revised Statutes of Nebraska, and sections 77-2715.07, 77-27,187.01, 77-27,187.02, 77-27,188, and 77-27,195, Revised Statutes Supplement, 2005; to change provisions of the Nebraska Advantage Rural Development Act and the Beginning Farmer Tax Credit Act; to provide tax credits relating to agriculture; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Aguilar	Connealy	Heidemann	Langemeier	Schimek
Baker	Cudaback	Howard	Louden	Schrock
Beutler	Cunningham	Hudkins	Mines	Smith
Bourne	Engel	Janssen	Pahls	Stuhr
Brashear	Erdman	Jensen	Pedersen, Dw.	Stuthman
Brown	Fischer	Johnson	Pederson, D.	Synowiecki
Burling	Flood	Kopplin	Price	Thompson
Byars	Foley	Kremer	Raikes	Wehrbein
Chambers	Friend	Kruse	Redfield	

Voting in the negative, 1:

Landis

Present and not voting, 1:

Preister

Excused and not voting, 3:

Combs Cornett McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 990A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 990, Ninety-ninth Legislature, Second Session, 2006.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Aguilar	Connealy	Heidemann	Langemeier	Schimek
Baker	Cudaback	Howard	Louden	Schrock
Beutler	Cunningham	Hudkins	Mines	Smith
Bourne	Engel	Janssen	Pahls	Stuhr
Brashear	Erdman	Jensen	Pedersen, Dw.	Stuthman
Brown	Fischer	Johnson	Pederson, D.	Synowiecki
Burling	Flood	Kopplin	Price	Thompson
Byars	Foley	Kremer	Raikes	Wehrbein
Chambers	Friend	Kruse	Redfield	

Voting in the negative, 1:

Landis

Present and not voting, 1:

Preister

Excused and not voting, 3:

Combs Cornett McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 996.

A BILL FOR AN ACT relating to the state veteran cemetery system; to amend section 12-1301, Revised Statutes Supplement, 2005; to eliminate restrictions on the use of General Funds; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Aguilar	Cudaback	Howard	Langemeier	Redfield
Baker	Cunningham	Hudkins	Louden	Schimek
Beutler	Engel	Janssen	Mines	Schrock
Bourne	Erdman	Jensen	Pahls	Smith
Brashear	Fischer	Johnson	Pedersen, Dw.	Stuhr
Brown	Flood	Kopplin	Pederson, D.	Stuthman
Burling	Foley	Kremer	Preister	Synowiecki
Byars	Friend	Kruse	Price	Thompson
Connealy	Heidemann	Landis	Raikes	Wehrbein

Voting in the negative, 0.

Excused and not voting, 4:

Chambers	Combs	Cornett	McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 996A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 996, Ninety-ninth Legislature, Second Session, 2006.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Aguilar	Cudaback	Hudkins	Louden	Schimek
Baker	Cunningham	Janssen	Mines	Smith
Beutler	Engel	Jensen	Pahls	Stuhr
Bourne	Erdman	Johnson	Pedersen, Dw.	Stuthman
Brashear	Fischer	Kopplin	Pederson, D.	Synowiecki
Brown	Flood	Kremer	Preister	Thompson
Burling	Friend	Kruse	Price	Wehrbein
Byars	Heidemann	Landis	Raikes	
Connealy	Howard	Langemeier	Redfield	

Voting in the negative, 0.

Present and not voting, 2:

Foley	Schrock

Excused and not voting, 4:

Chambers	Combs	Cornett	McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1086.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-801 and 28-804.01, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2004; to adopt the Nebraska Prostitution Intervention and Treatment Act; to change and provide penalties relating to prostitution; to provide for the crime of solicitation of prostitution; to change provisions relating to testimony as prescribed; to prohibit forced labor or services as prescribed and certain acts relating to sexual activity; to provide penalties; to require reports; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Aguilar	Cudaback	Hudkins	Louden	Schrock
Baker	Cunningham	Janssen	Mines	Smith
Beutler	Engel	Jensen	Pahls	Stuhr
Bourne	Erdman	Johnson	Pedersen, Dw.	Stuthman
Brashear	Flood	Kopplin	Preister	Synowiecki
Byars	Foley	Kremer	Price	Thompson
Chambers	Friend	Kruse	Raikes	
Connealy	Howard	Landis	Schimek	

Voting in the negative, 3:

Fischer	Langemeier	Redfield

Present and not voting, 5:

Brown	Burling	Heidemann	Pederson, D.	Wehrbein

Excused and not voting, 3:

Combs	Cornett	McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1086A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1086, Ninety-ninth Legislature, Second Session, 2006; and to state intent.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Aguilar	Cudaback	Janssen	Mines	Schrock
Baker	Cunningham	Jensen	Pahls	Smith
Bourne	Engel	Johnson	Pedersen, Dw.	Stuhr
Brashear	Flood	Kopplin	Preister	Stuthman
Byars	Foley	Kremer	Price	Synowiecki
Chambers	Howard	Kruse	Raikes	Thompson
Connealy	Hudkins	Landis	Schimek	Wehrbein

Voting in the negative, 6:

Burling	Fischer	Pederson, D.
Erdman	Langemeier	Redfield

Present and not voting, 5:

Beutler	Brown	Friend	Heidemann	Louden

Excused and not voting, 3:

Combs	Cornett	McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1208 with 37 ayes, 4 nays, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1208.

A BILL FOR AN ACT relating to education; to amend sections 79-704, 79-761, 79-1018.01, 79-1204, 79-1223, 79-1233, 79-1241.01, 79-1241.02, 79-1243, 79-1302, 79-1303, 79-1304, 79-1319, and 79-1325, Reissue Revised Statutes of Nebraska, sections 9-812, 81-1634, 86-515, and 86-520, Revised Statutes Cumulative Supplement, 2004, and sections 79-1003, 79-1007.02, 79-1028, and 86-516, Revised Statutes Supplement, 2005; to harmonize language relating to state lottery proceeds with the 2004 constitutional amendment to Article III, section 24; to change provisions relating to distribution of the Education Innovation Fund, course offerings, mentor teacher programs, allowances and allowable growth rates under the Tax Equity and Educational Opportunities Support Act, telecommunications facilities, educational service units, and educational technology; to create a council; to define terms; to provide for and eliminate distance education programs and related incentives; to eliminate a consortium, a task force, technology programs, and funds; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-1301, 79-1305, 79-1306, 79-1307, 79-1310, and 79-1328, Reissue Revised Statutes of Nebraska, and sections 79-1329 and 79-1330, Revised Statutes Supplement, 2005.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Aguilar	Cunningham	Janssen	Louden	Redfield
Baker	Engel	Jensen	Mines	Schimek
Beutler	Erdman	Johnson	Pahls	Schrock
Brown	Flood	Kopplin	Pedersen, Dw.	Smith
Burling	Foley	Kremer	Pederson, D.	Stuhr
Byars	Friend	Kruse	Preister	Stuthman
Connealy	Howard	Landis	Price	Thompson
Cudaback	Hudkins	Langemeier	Raikes	Wehrbein

Voting in the negative, 2:

Bourne	Chambers

Present and not voting, 4:

Brashear	Fischer	Heidemann	Synowiecki

Excused and not voting, 3:

Combs	Cornett	McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SHEEHY PRESIDING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1208A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1208, Ninety-ninth Legislature, Second Session, 2006.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Aguilar	Engel	Jensen	Mines	Schimek
Baker	Erdman	Johnson	Pahls	Schrock
Brashear	Flood	Kopplin	Pedersen, Dw.	Smith
Brown	Foley	Kremer	Pederson, D.	Stuhr
Burling	Friend	Kruse	Preister	Stuthman
Byars	Howard	Landis	Price	Thompson
Connealy	Hudkins	Langemeier	Raikes	Wehrbein
Cunningham	Janssen	Louden	Redfield	

Voting in the negative, 2:

Bourne	Chambers

Present and not voting, 5:

Beutler	Cudaback	Fischer	Heidemann	Synowiecki

Excused and not voting, 3:

Combs	Cornett	McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

COMMUNICATION

April 5, 2006

The Honorable John Gale
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to provisions of 84-503, R.R.S., we are forwarding LB 1060 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 1060, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes this 5th day of April 2006 as follows:

Section 208, Agency 26, Department of Health and Human Services - Finance and Support Program 502 (Public Health Aid), for Fiscal Year 2006-07 only, and earmarked amounts for FY 2006-07 only, as contained in Section 208, for Qualified Community Health Centers.

(Signed) Rick Sheehy
President of the Legislature

GENERAL FILE

LEGISLATIVE BILL 1105. Title read. Considered.

The Standing Committee amendment, AM2389, printed separately and referred to on page 755, was considered.

Senator Howard renewed her pending amendment, AM2829, found on page 1147, to the Standing Committee amendment.

SENATOR CUDABACK PRESIDING

Senator Howard withdrew her amendment.

Senators Brashear, Chambers, and Landis offered the following amendment to the Standing Committee amendment:
AM3111
(Amendments to Standing Committee amendments, AM2389)

1. On page 11, line 5, strike "seventy-five" and insert "seventy".

2. On page 12, line 1, after "that" insert "five-sixths of"; in line 2 reinstate the stricken matter and strike "twenty-five"; in line 5 after "Fund" insert "and one-sixth of the remaining thirty percent be appropriated in accordance with subsection (5) of this section"; and in line 10 strike "transferred" through "Fund" and insert "appropriated in accordance with subsection (5) of this section.

(5) It is the intent of the Legislature that such revenue as is directed to be appropriated pursuant to this subsection be appropriated as follows:

(a) If (i) state law allows the designation of an area as an entertainment and tourism development district, (ii) such a district is, in fact, designated within one mile of a convention and meeting center facility and sports arena facility for which financial assistance is provided under the Convention Center Facility and Sports Arena Facility Financing Assistance Act, and (iii) state law permitting the designation of the entertainment and tourism development district requires the adoption of a community partnership plan as a part of such designation, then the one-sixth of the thirty percent of attributable revenue from an event described in subdivision (2)(a)(i) of this section and the one-half of the fifty percent of attributable revenue from an event described in subdivision (2)(a)(ii) of this section shall be appropriated to subsidize financing of facilities developed in conjunction with such community partnership plan; or

(b) If the conditions set forth in subdivision (a) of this subsection are not satisfied, then the one-sixth of the thirty percent of attributable revenue from an event described in subdivision (2)(a)(i) of this section shall be appropriated to the political subdivision for which an application for state assistance under the Convention Center Facility and Sports Arena Facility Financing Assistance Act has been approved and the one-half of the fifty percent of attributable revenue from an event described in subdivision (2)(a)(ii) of this section shall be transferred to the General Fund".

The Brashear et al. amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 16 present and not

voting, and 5 excused and not voting.

LEGISLATIVE BILL 500. The Standing Committee amendment, AM0773, found on page 886, First Session, 2005, and considered on pages 1454 and 1632, First Session, 2005, was renewed.

Senator Landis withdrew the first Landis-Howard pending amendment, FA272, found on page 1632, First Session, 2005, and the balance of the original amendment, AM1529, found on page 1470, First Session, 2005.

Senator Landis asked unanimous consent to withdraw the Landis-Kopplin pending amendment, AM2641, printed separately and referred to on page 952, and replace it with the substitute Landis-Brashear-Chambers amendment, AM3125. No objections. So ordered.
(Amendment, AM3125, is printed separately and available in the Bill Room, Room 1104.)

The Landis et al. amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Senator Howard withdrew her pending amendment, AM1490, found on page 1436, First Session, 2005.

Senator Beutler withdrew his pending amendment, FA264, found on page 1470, First Session, 2005.

Senator Howard withdrew her pending amendment, AM2849, found on page 1139.

Advanced to E & R for review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 500A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

SPEAKER BRASHEAR PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 85, 85A, 366, 542, 542A, 605, 605A, 690, 690A, 746, 746A, 795, 817, 817A, 872, 872A, 990, 990A, 996, 996A, 1086, 1086A, 1208, and 1208A.

AMENDMENTS - Print in Journal

Senator Cunningham filed the following amendment to LB 489:
AM3091

(Amendments to E & R amendments, AM7212)

1. Strike section 1 and insert the following section:

Section 1. Section 48-168, Reissue Revised Statutes of Nebraska, is amended to read:

48-168 (1) The Nebraska Workers' Compensation Court shall not be bound by the usual common-law or statutory rules of evidence or by any technical or formal rules of procedure, other than as herein provided, but may make the investigation in such manner as in its judgment is best calculated to ascertain the substantial rights of the parties and to carry out justly the spirit of the Nebraska Workers' Compensation Act.

(2)(a) The Nebraska Workers' Compensation Court may establish procedures whereby a dispute may be submitted by the parties, by the ~~supplier~~ provider of medical, surgical, or hospital services pursuant to section 48-120, or by the compensation court on its own motion for informal dispute resolution by a staff member of the compensation court or outside mediator. Any party who requests such informal dispute resolution shall not be precluded from filing a petition pursuant to section 48-173 if otherwise permitted. No settlement or agreement reached as the result of an informal dispute resolution proceeding shall be final or binding unless such settlement or agreement is in conformity with the Nebraska Workers' Compensation Act.

(b) Until January 1, 2008, the Nebraska Workers' Compensation Court shall establish procedures for informal dispute resolution and arbitration for a dispute regarding the fees owed for medical, surgical, or hospital services provided pursuant to section 48-120. If the provider of medical, surgical, or hospital services and the workers' compensation insurer, risk management pool, or self-insured employer are unable to reach an agreement on the fees to be paid for such services: (i) They may agree to submit the dispute to an attorney staff member of the compensation court for resolution of the dispute through the informal dispute resolution process and for arbitration, if the dispute is unresolved in the informal dispute resolution process; or (ii) the parties may agree to submit the dispute directly to arbitration. A decision by the attorney staff member for the court as the result of an arbitration proceeding shall be final and binding and not subject to appeal.

~~(b)~~ (c) Informal dispute resolution and arbitration proceedings shall be regarded as settlement negotiations and no admission, representation, or statement made in informal dispute resolution or arbitration proceedings, not otherwise discoverable or obtainable, shall be admissible as evidence or subject to discovery. A staff member or mediator shall not be subject

to process requiring the disclosure of any matter discussed during informal dispute resolution or arbitration proceedings. Any information from the files, reports, notes of the staff member or mediator, or other materials or communications, oral or written, relating to an informal dispute resolution or arbitration proceeding obtained by a staff member or mediator is privileged and confidential and may not be disclosed without the written consent of all parties to the proceeding. No staff member or mediator shall be held liable for civil damages for any statement or decision made in the process of dispute resolution or arbitration unless such person acted in a manner exhibiting willful or wanton misconduct.

~~(c)~~ (d) The compensation court may adopt and promulgate rules and regulations regarding informal dispute resolution proceedings that are considered necessary to effectuate the purposes of this section.

2. On page 12, strike beginning with "48-120" in line 2 through "2005" in line 3 and insert "48-168, Reissue Revised Statutes of Nebraska".

Senators Redfield and Beutler filed the following amendment to LB 554:
AM3093

1. In the Standing Committee amendments, AM0670:

a. On page 1, line 7, after "employees" insert "who are seventeen years of age or older"; in line 18 strike "persons", show as stricken, and insert "employees who are seventeen years of age or older"; and in line 21 reinstate the stricken matter and before "fifty" insert "through September 30, 2006, and thereafter";

b. On page 2, line 3, strike "individual", show as stricken, and insert "employee";

c. On page 3, line 5, after "wage" insert "or hire an employee under seventeen years of age"; and in line 12 after "wage" insert "or a new employee under seventeen years of age"; and

d. On page 4, line 18, after "sections" insert "48-1202,".

2. In AM2516, on page 1, line 9, strike "forty-six" and insert "twenty-six".

Senator Brown filed the following amendment to LB 489:
AM3105

(Amendments to AM2981)

1. Strike section 2 and insert the following new section:

Sec. 2. Section 48-418, Reissue Revised Statutes of Nebraska, is amended to read:

~~48-418~~ (1) Sections 2 to 14 of this act shall be known and may be cited as the Elevator Safety Act.

(2) The ~~Commissioner of Labor shall, on or before the first day of July 1965,~~ State Fire Marshal shall on or before January 2007, appoint a state elevator inspector, subject to the approval of the Governor, who shall work under the direct

supervision of the ~~commissioner~~ State Fire Marshal. The person so appointed shall be (a) qualified by not less than five years' experience in the installation, maintenance, and repair of elevators as determined by the commissioner, (b) certified as a qualified elevator inspector by an association accredited by the American Society of Mechanical Engineers or have not less than five years' journeyman experience in elevator installation, maintenance, and inspection as determined by the ~~Commissioner of Labor~~ State Fire Marshal, and (c) ~~shall be~~ familiar with the inspection process provided by the Nebraska Elevator Code provided under section ~~48-418.12~~ 12 of this act. The ~~commissioner~~ State Fire Marshal, subject to the approval of the Governor, may appoint deputy inspectors possessing the same qualifications as the state elevator inspector. A qualified individual may apply for the position of inspector or deputy inspector and such application shall include the applicant's social security number, but the individual's social security number shall not be a public record.

Senator Connealy filed the following amendment to LR 272CA:
AM3101

(Amendments to Standing Committee amendments, AM2184)

1. On page 2, line 1, strike the new matter and reinstate the stricken matter; in line 19 after the comma insert "and"; and strike beginning with the comma in line 21 through "years" in line 23.

Senator Friend filed the following amendment to LB 925:
AM3121

(Amendments to E & R amendments, AM7208)

1. On page 18, line 23, before "fifteen" insert "at least two years but not more than".
2. On page 21, line 1, before "fifteen" insert "at least five years but not more than".

UNANIMOUS CONSENT - Add Cointroducers

Senator Price asked unanimous consent to add her name as cointroducer to LBs 85 and 1208. No objections. So ordered.

Senator D. Pederson asked unanimous consent to add his name as cointroducer to LB 605. No objections. So ordered.

VISITORS

Visitors to the Chamber were 36 fourth-grade students and teacher from Hawthorne Elementary School, Hastings; 50 fourth-grade students and teachers from Morton Elementary School, Hastings; 20 fourth-grade students and teacher from Red Cloud; Senator Kopplin's wife, daughter, and granddaughter, Mary Lou Kopplin, and Deb and Kellsey Siemers from

Gretna; Cate Kratville from Omaha; 12 members of FFA and sponsors from Hyannis; 17 fourth-grade students and teacher from Amherst; and Ellie Ford from Omaha.

The Doctor of the Day was Dr. Carey Ford from Omaha.

ADJOURNMENT

At 6:30 p.m., on a motion by Senator Kruse, the Legislature adjourned until 9:00 a.m., Thursday, April 6, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-SIXTH DAY - APRIL 6, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 6, 2006

PRAYER

The prayer was offered by Senator Janssen.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Cornett who was excused; and Senators Combs, Cunningham, Louden, McDonald, Preister, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fifth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 5, 2006, at 6:41 p.m. were the following: LBs 85, 85A, 366, 542e, 542Ae, 605e, 605Ae, 690, 690A, 746, 746A, 795e, 817, 817Ae, 872, 872A, 990, 990A, 996, 996A, 1086, 1086A, 1208, and 1208A.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 5, 2006, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Keigher/Rasmussen & Associates, LLC

Conservation Voters, Nebraska League of

REPORTS

The following reports were received by the Legislature:

Investment Finance Authority
2006 Series A & B Single Family Housing Revenue Bonds Notice
2006 Series G.O.-20 General Obligation Bonds Notice

AMENDMENT - Print in Journal

Senator Johnson filed the following amendment to LB 385:
AM3087

(Amendments to E & R amendments, AM7220)

1. On page 3, line 17, strike "taking" and insert "collecting".

2. On page 9, line 27; page 10, lines 4, 5, 7, 10, 13, and 21; and page 11, line 11, strike "taken" and insert "collected".

3. On page 11, lines 14 and 17, strike "taking" and insert "collecting"; and in line 15 strike "take" and insert "collect".

4. On page 14, line 9, strike "taken", show as stricken, and insert "collected"; and in line 25, strike "take", show as stricken, and insert "collect".

SELECT FILE

LEGISLATIVE BILL 1222A. Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 1249. The Standing Committee amendment, AM2127, found on page 559 and considered on pages 1424 and 1429, was renewed.

Senator Friend offered the following motion:
Bracket LB 1249 until April 13, 2006.

Senator Friend withdrew his motion to bracket.

Senators Friend and Landis offered the following amendment to the Standing Committee amendment:
AM3144

(Amendments to Standing Committee amendments, AM2127)

1. Strike the original amendments and insert the following amendments:

1. Strike sections 5, 6, 7, 8, 9, and 10.
2. On page 4, strike lines 3 through 7.
3. On page 13, after line 12 insert:
"(4) Any enlargement or extension by a metropolitan utilities district within the boundaries of a city of the metropolitan class involving the exercise of the power of eminent domain pursuant to subsection (2) of section 14-2116 shall by reason of such exercise be conclusively determined to be in the public interest."; and in line 24 strike "No" and insert "(1) Except as provided in subsections (2) and (3) of this section, no".
4. On page 14, line 8, after the period insert "Any proposal for extension or enlargement shall be filed with the commission, and the commission shall promptly make such application public in such manner as the commission deems appropriate."; and after line 25 insert:
"(2) Any metropolitan utilities district proposing to extend or enlarge its system (a) within the corporate boundaries of the city of the metropolitan class it serves or (b) within the boundaries of the county in which such city is located and within three miles of the corporate boundaries of such city, the metropolitan utilities district may pursue such extension or enlargement without the need for commission approval or the requirement to file and request permission to pursue such extension or enlargement.
(3) If no person or entity has filed with the commission a protest alleging that the proposed extension or enlargement is not in the public interest within fifteen business days of the date upon which the application was made public, the enlargement or extension shall be conclusively presumed to be in the public interest and the jurisdictional utility or metropolitan utilities district may proceed with the extension or enlargement without further commission action.".
5. Renumber the remaining sections and correct internal references accordingly.

Senator Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Friend-Landis amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 34 ayes, 1 nay, 10 present and not voting, and 4 excused and not voting.

Senator Friend withdrew his pending amendments, AM2215 and AM2219, found on page 643.

Senator Synowiecki withdrew his pending amendments, AM2508, AM2510,

AM2511, and AM2514, found on pages 906 and 907.

Senator Landis withdrew his pending amendment, AM2624, found on page 952.

Advanced to E & R for review with 34 ayes, 2 nays, 9 present and not voting, and 4 excused and not voting.

REPORT OF THE EXECUTIVE BOARD

2006 Resolutions calling for an Interim Study

LR 410 Rereferred from Government, Military and Veterans Affairs to Judiciary

(Signed) L. Patrick Engel, Chairperson
Legislative Council, Executive Board

GENERAL FILE

LEGISLATIVE BILL 1024. The Standing Committee amendment, AM2687, printed separately and referred to on page 1332 and considered on page 1412, as amended, was renewed.

The Cornett pending amendment, AM3033, found on page 1421, was withdrawn.

Senator Raikes offered the following amendment to the Standing Committee amendment:
AM3141
(Amendments to Standing Committee amendments, AM2687)
1. On page 16, lines 8 and 11, strike "and one-half".
2. On page 18, line 5, strike "five" and insert "two";
and in lines 9 and 10 strike "two and one-half" and insert "one".

SENATOR SCHIMEK PRESIDING

The Raikes amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Senators Chambers and Raikes offered the following amendment to the Standing Committee amendment:
AM3142
(Amendments to Standing Committee amendments, AM2687)
1. Insert the following new section:
Sec. 44. (1) On or before July 1, 2007, each learning community coordinating council shall submit a plan to the state committee to divide any Class V school districts in the learning community into new Class V school districts organized around the

attendance areas of existing high school buildings which are not currently being used exclusively for specialized programs, with two or three such high school buildings in each new Class V school district. Such new Class V districts shall consist of school buildings having attendance areas which are contiguous and whose student populations share a community of interest. The effective date for reorganizations pursuant to this section shall be July 1, 2008. Such reorganizations shall not be subject to the approval or disapproval of any school board pursuant to section 40 of this act.

(2) If the state committee disapproves such plan pursuant to section 38 of this act, the state committee shall revise the plan and shall hold one or more hearings pursuant to section 36 of this act on the revised plan. The state committee may further revise the plan and hold one or more additional hearings pursuant to such section.

(3) If a learning community coordinating council fails to submit a plan as required pursuant to subsection (1) of this section on or before July 1, 2007, the state committee shall develop a plan to divide any Class V school districts in the learning community into new Class V school districts organized around the attendance areas of the existing high school buildings which are not currently being used exclusively for specialized programs, with two or three such high school buildings in each new Class V school district. The state committee shall hold a hearing pursuant to section 36 of this act and may revise the plan and may hold one or more additional hearings pursuant to such section.

(4) On or before December 31, 2007, the state committee shall approve plans to divide all Class V school districts in learning communities into new Class V school districts organized around the attendance areas of existing high school buildings, which are not currently being used exclusively for specialized programs, with two or three such high school buildings in each new Class V school district.

2. On page 23, line 8, strike "embracing", show as stricken, and insert "whose employees participate in a retirement system established pursuant to the Class V School Employees Retirement Act and which embraces"; and strike beginning with "a" in line 9 through "with" in line 10 and show as stricken.

3. On page 39, line 9, strike "43" and insert "44".

4. On page 40, line 21, strike beginning with "a" in line 21 through "(7)" in line 23; in line 24 strike "(8)" and insert "(7)"; in line 25 strike "(9)" and insert "(8)"; and in line 27 strike "(10)" and insert "(9)".

5. On page 41, line 1, strike "(11)" and insert "(10)"; in line 7 strike "completed or"; and in lines 9 and 10 strike "it" and insert "the state committee".

6. On page 42, line 1, strike the comma and insert "and"; and strike beginning with the comma in line 4 though "districts" in line 6.

7. On page 43, line 1, strike "If" and insert "Except as provided in section 44 of this act, if"; in line 11 after "boards" insert ", except that reorganizations required pursuant to section 44 of this act shall not require the approval of any school board"; and in line 20 after "district" insert ", if required,".

8. Renumber the remaining sections and correct internal references accordingly.

SENATOR CUDABACK PRESIDING

SENATOR BAKER PRESIDING

SENATOR CUDABACK PRESIDING

Senator Kopplin moved the previous question. The question is, "Shall the debate now close?"

Senator Kopplin moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

The motion to cease debate prevailed with 25 ayes, 2 nays, and 22 not voting.

The Chambers-Raikes amendment was adopted with 33 ayes, 6 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 1199, 1199A, 1222A, 1226, and 1226A.

ER9100

Enrollment and Review Change to LB 1199

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Bourne amendment, AM3082, on page 81, line 23, "69" has been struck and "67" inserted.

2. In the E & R amendments, AM7204:

a. On page 3, line 26, "28-367," has been struck; and

b. On page 4, line 3, "29-3705," has been struck; in line 4 "71-912, 71-914," has been struck and "71-919," has been inserted after "71-918,"; and in line 9 "71-1128," has been inserted after the first comma.

ER9101

Enrollment and Review Change to LB 1226

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM2578, on page 42, line 21, "are not" and all amendments thereto have been struck and "not be" inserted.

2. In the E & R amendments, AM7210, on page 2, line 9, "46-602," has been struck; and in line 13 "and" has been struck and ", and section 46-602, Reissue Revised Statutes of Nebraska, as amended by section 2, Legislative Bill 508, Ninety-ninth Legislature, Second Session, 2006" has been inserted after "2005".

(Signed) Michael Flood, Chairperson

AMENDMENTS - Print in Journal

Senators Landis and Foley filed the following amendment to LB 57:
AM3134

(Amendments to Final Reading copy)

1. Insert the following new sections:

Sec. 2. Section 28-308, Reissue Revised Statutes of Nebraska, is amended to read:

28-308 (1) A person commits the offense of assault in the first degree if he or she intentionally or knowingly causes serious bodily injury to another person.

(2) ~~Assault~~ Except as provided in subsection (3) of this section, assault in the first degree shall be a Class III felony.

(3) The minimum sentence for assault in the first degree shall be two years if the prosecution alleges and proves beyond a reasonable doubt that the victim was pregnant at the time of the assault.

Sec. 3. Section 28-309, Revised Statutes Cumulative Supplement, 2004, is amended to read:

28-309 (1) A person commits the offense of assault in the second degree if he or she:

(a) Intentionally or knowingly causes bodily injury to another person with a dangerous instrument;

(b) Recklessly causes serious bodily injury to another person with a dangerous instrument; or

(c) While during confinement or in legal custody of the Department of Correctional Services or in any county jail, unlawfully strikes or wounds another.

(2) ~~Assault~~ Except as provided in subsection (3) of this section, assault in the second degree shall be a Class IIIA felony.

(3) The minimum sentence for assault in the second degree shall be one year if the prosecution alleges and proves beyond a reasonable doubt that the victim was pregnant at the time of the assault.

Sec. 4. Section 28-310, Reissue Revised Statutes of Nebraska, is amended to read:

28-310 (1) A person commits the offense of assault in the third degree if he or she

(a) Intentionally, knowingly, or recklessly causes bodily injury to another person; or

(b) Threatens another in a menacing manner.

(2) ~~Assault~~ Except as provided in subsection (3) of this section, assault in the third degree shall be a Class I misdemeanor unless committed in a fight or scuffle entered into by mutual consent, in which case it shall be a Class II misdemeanor.

(3) The minimum sentence for assault in the third degree shall be sixty days if the prosecution alleges and proves beyond a reasonable doubt that the victim was pregnant at the time of the assault.

2. On page 1, line 1; and page 4, line 1, strike "section" and insert "sections 28-308, 28-310, and".

3. On page 1, line 3; and page 4, line 2, strike "section 28-101" and insert "sections 28-101 and 28-309".

4. On page 1, line 4, after the first semicolon insert "to change penalties for assault in the first, second, and third degrees;".

5. On page 2, lines 3 and 6, strike "2 to 7" and insert "5 to 10"; in lines 12, 17, and 23 after "she" insert ", during the commission of any criminal assault on a pregnant woman,"; in lines 13, 18, and 24 strike "an" and insert "her"; and in lines 13, 19, and 24 after the period insert "Assault on the pregnant woman and assault on her unborn child shall be considered as separate acts or conduct for purposes of prosecution.".

6. On page 3, line 14, after "child" insert "of a pregnant woman"; and after line 25 insert the following new subsection:

"(3) For the purposes of this section, unborn child shall have the same meaning as in section 6 of this act.".

7. Renumber the remaining sections accordingly.

Senator Jensen filed the following amendment to LB 965:
AM3124

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Sections 1 to 6 of this act shall be known and may be cited as the Long-Term Care Savings Plan Act.

Sec. 2. For purposes of the Long-Term Care Savings Plan Act:

(1) Long-term care expense means the cost of long-term

care in a long-term care facility and the cost of care provided in a person's home when the person receiving the care is unable to perform multiple basic life functions independently;

(2) Long-term care insurance premiums means premiums paid for a long-term care insurance policy issued pursuant to the Long-Term Care Insurance Act that offers coverage to the individual or the individual's spouse;

(3) Participant means an individual who has entered into a participation agreement or established an account with a financial institution with which the State Treasurer has an agreement under subsection (1) of section 3 of this act; and

(4) Qualified individual means (a) a person who turned sixty-five years of age or older during the taxable year who has a medical necessity for long-term care during the taxable year, (b) a disabled person who has a medical necessity for long-term care during the taxable year, or (c) a person who turned sixty-two years of age or older during the taxable year who made payments for long-term care insurance premiums during the taxable year.

Sec. 3. (1) The Nebraska long-term care savings plan is created. The State Treasurer shall select the administrator of the plan. If the State Treasurer receives no acceptable responses to a request for proposals for an administrator for the plan by November 1, 2006, the State Treasurer may enter into agreements with state-chartered or federally chartered banks, savings banks, building and loan associations, savings and loan associations, or credit unions, or a subsidiary of any such entity, to receive contributions in the form of account deposits. The State Treasurer may adopt and promulgate rules and regulations to carry out its duties under this subsection.

(2) If an administrator is selected, participants shall enter into participation agreements with the State Treasurer, and if an administrator is not selected, participants may make contributions to an account with a financial institution with which the State Treasurer has an agreement under subsection (1) of this section. A lifetime maximum of one hundred sixty-five thousand dollars may be contributed by a participant. This dollar limitation shall be adjusted for inflation by the method provided in section 151 of the Internal Revenue Code of 1986, as amended.

(3) Each participation agreement shall provide that the agreement may be canceled or transferred to a spouse upon the terms and conditions set by the State Treasurer. If the participation agreement is canceled or the Nebraska long-term care savings plan is terminated, a participant may receive the principal amount of all contributions made by the participant or on behalf of the participant plus the actual investment earnings on the contributions, less any losses incurred on the contributions. A participant shall not receive more than the fair market value of his or her account under the participation agreement on the applicable liquidation date.

(4) A participant retains ownership of all contributions up to the date of utilization.

(5) State income tax treatment of contributions and investment earnings shall be as provided in section 77-2716.

Sec. 4. If an administrator for the Nebraska long-term care savings plan is selected pursuant to section 3 of this act, the Nebraska long-term care savings plan trust shall be created. The State Treasurer shall be the trustee of the trust and as such responsible for the administration, operation, and maintenance of the plan and shall have all powers necessary to carry out and effectuate the purposes, objectives, and provisions of the Long-Term Care Savings Plan Act pertaining to the administration, operation, and maintenance of the trust, except that the state investment officer shall have fiduciary responsibility to make all decisions regarding the investment of the money in the trust, including the selection of all investment options and the approval of all fees and other costs charged to trust assets except costs for administration, operation, and maintenance of the trust, pursuant to the directions, guidelines, and policies established by the Nebraska Investment Council. The State Treasurer may adopt and promulgate rules and regulations to provide for the efficient administration, operation, and maintenance of the trust. The State Treasurer shall not adopt and promulgate rules and regulations that in any way interfere with the fiduciary responsibility of the state investment officer to make all decisions regarding the investment of money in the trust. The Nebraska Investment Council may adopt and promulgate rules and regulations to provide for the prudent investment of the assets of the trust. The council or its designee also has the authority to select and enter into agreements with individuals and entities to provide investment advice and management of the assets held by the trust, establish investment guidelines, objectives, and performance standards with respect to the assets held by the trust, and approve any fees, commissions, and expenses which directly or indirectly affect the return on assets.

Sec. 5. A qualified individual as defined in subdivision (4)(a) or (b) of section 2 of this act may make withdrawals as a participant in the Nebraska long-term care savings plan to pay or reimburse long-term care expenses. A qualified individual as defined in subdivision (4)(c) of section 2 of this act may make withdrawals to pay or reimburse long-term care insurance premiums. Any participant who is not a qualified individual or who makes a withdrawal for any reason other than transfer of funds to a spouse, long-term care expenses, long-term care insurance premiums, or death of the participant shall be subject to a ten-percent penalty on the amount withdrawn. The State Treasurer shall collect the penalty.

Sec. 6. The Long-Term Care Savings Plan Cash Fund is created. If an administrator is selected, a pro rata share of the

budget appropriated for the Nebraska long-term care savings plan management functions of the State Treasurer shall be charged to the income of each account under each participation agreement held in invested cash, and such charges shall be transferred to the Long-Term Care Savings Plan Cash Fund. The allocation of charges may be made by any method determined to be reasonably related to actual costs incurred by the State Treasurer in carrying out the Nebraska long-term care savings plan management functions under section 4 of this act. It is the intent of this section to have funds held in invested cash be charged a pro rata share of the expenses for the Nebraska long-term care savings plan management functions when this is not prohibited by statute or the Constitution of Nebraska. Any money in the Long-Term Care Savings Plan Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 7. Section 77-2716, Revised Statutes Supplement, 2005, is amended to read:

77-2716 (1) The following adjustments to federal adjusted gross income or, for corporations and fiduciaries, federal taxable income shall be made for interest or dividends received:

(a) There shall be subtracted interest or dividends received by the owner of obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent includable in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States;

(b) There shall be subtracted that portion of the total dividends and other income received from a regulated investment company which is attributable to obligations described in subdivision (a) of this subsection as reported to the recipient by the regulated investment company;

(c) There shall be added interest or dividends received by the owner of obligations of the District of Columbia, other states of the United States, or their political subdivisions, authorities, commissions, or instrumentalities to the extent excluded in the computation of gross income for federal income tax purposes except that such interest or dividends shall not be added if received by a corporation which is a regulated investment company;

(d) There shall be added that portion of the total dividends and other income received from a regulated investment company which is attributable to obligations described in subdivision (c) of this subsection and excluded for federal income tax purposes as reported to the recipient by the regulated investment company; and

(e)(i) Any amount subtracted under this subsection shall be reduced by any interest on indebtedness incurred to carry the obligations or securities described in this subsection or the

investment in the regulated investment company and by any expenses incurred in the production of interest or dividend income described in this subsection to the extent that such expenses, including amortizable bond premiums, are deductible in determining federal taxable income.

(ii) Any amount added under this subsection shall be reduced by any expenses incurred in the production of such income to the extent disallowed in the computation of federal taxable income.

(2) There shall be allowed a net operating loss derived from or connected with Nebraska sources computed under rules and regulations adopted and promulgated by the Tax Commissioner consistent, to the extent possible under the Nebraska Revenue Act of 1967, with the laws of the United States. For a resident individual, estate, or trust, the net operating loss computed on the federal income tax return shall be adjusted by the modifications contained in this section. For a nonresident individual, estate, or trust or for a partial-year resident individual, the net operating loss computed on the federal return shall be adjusted by the modifications contained in this section and any carryovers or carrybacks shall be limited to the portion of the loss derived from or connected with Nebraska sources.

(3) There shall be subtracted from federal adjusted gross income for all taxable years beginning on or after January 1, 1987, the amount of any state income tax refund to the extent such refund was deducted under the Internal Revenue Code, was not allowed in the computation of the tax due under the Nebraska Revenue Act of 1967, and is included in federal adjusted gross income.

(4) Federal adjusted gross income, or, for a fiduciary, federal taxable income shall be modified to exclude the portion of the income or loss received from a small business corporation with an election in effect under subchapter S of the Internal Revenue Code or from a limited liability company organized pursuant to the Limited Liability Company Act that is not derived from or connected with Nebraska sources as determined in section 77-2734.01.

(5) There shall be subtracted from federal adjusted gross income or, for corporations and fiduciaries, federal taxable income dividends received or deemed to be received from corporations which are not subject to the Internal Revenue Code.

(6) There shall be subtracted from federal taxable income a portion of the income earned by a corporation subject to the Internal Revenue Code of 1986 that is actually taxed by a foreign country or one of its political subdivisions at a rate in excess of the maximum federal tax rate for corporations. The taxpayer may make the computation for each foreign country or for groups of foreign countries. The portion of the taxes that may be deducted shall be computed in the following manner:

(a) The amount of federal taxable income from operations within a foreign taxing jurisdiction shall be reduced by the amount

of taxes actually paid to the foreign jurisdiction that are not deductible solely because the foreign tax credit was elected on the federal income tax return;

(b) The amount of after-tax income shall be divided by one minus the maximum tax rate for corporations in the Internal Revenue Code; and

(c) The result of the calculation in subdivision (b) of this subsection shall be subtracted from the amount of federal taxable income used in subdivision (a) of this subsection. The result of such calculation, if greater than zero, shall be subtracted from federal taxable income.

(7) Federal adjusted gross income shall be modified to exclude any amount repaid by the taxpayer for which a reduction in federal tax is allowed under section 1341(a)(5) of the Internal Revenue Code.

(8)(a) Federal adjusted gross income or, for corporations and fiduciaries, federal taxable income shall be reduced, to the extent included, by income from interest, earnings, and state contributions received from the Nebraska educational savings plan trust created in sections 85-1801 to 85-1814.

(b) Federal adjusted gross income or, for corporations and fiduciaries, federal taxable income shall be reduced, to the extent not deducted for federal income tax purposes, by the amount of any gift, grant, or donation made to the Nebraska educational savings plan trust for deposit in the endowment fund of the trust.

(c) Federal adjusted gross income or, for corporations and fiduciaries, federal taxable income shall be reduced by any contributions as a participant in the Nebraska educational savings plan trust, to the extent not deducted for federal income tax purposes, but not to exceed five hundred dollars per married filing separate return or one thousand dollars for any other return.

(d) Federal adjusted gross income or, for corporations and fiduciaries, federal taxable income shall be increased by the amount resulting from the cancellation of a participation agreement refunded to the taxpayer as a participant in the Nebraska educational savings plan trust to the extent previously deducted as a contribution to the trust.

(9)(a) For income tax returns filed after September 10, 2001, federal adjusted gross income or, for corporations and fiduciaries, federal taxable income shall be increased by eighty-five percent of any amount of any federal bonus depreciation received under the federal Job Creation and Worker Assistance Act of 2002 or the federal Jobs and Growth Tax Act of 2003, under section 168(k) or section 1400L of the Internal Revenue Code of 1986, as amended, for assets placed in service after September 10, 2001, and before December 31, 2005.

(b) For a partnership, limited liability company, cooperative, including any cooperative exempt from income taxes under section 521 of the Internal Revenue Code of 1986, as amended,

subchapter S corporation, or joint venture, the increase shall be distributed to the partners, members, shareholders, patrons, or beneficiaries in the same manner as income is distributed for use against their income tax liabilities.

(c) For a corporation with a unitary business having activity both inside and outside the state, the increase shall be apportioned to Nebraska in the same manner as income is apportioned to the state by section 77-2734.05.

(d) The amount of bonus depreciation added to federal adjusted gross income or, for corporations and fiduciaries, federal taxable income by this subsection shall be subtracted in a later taxable year. Twenty percent of the total amount of bonus depreciation added back by this subsection for tax years beginning or deemed to begin before January 1, 2003, under the Internal Revenue Code of 1986, as amended, may be subtracted in the first taxable year beginning or deemed to begin on or after January 1, 2005, under the Internal Revenue Code of 1986, as amended, and twenty percent in each of the next four following taxable years. Twenty percent of the total amount of bonus depreciation added back by this subsection for tax years beginning or deemed to begin on or after January 1, 2003, may be subtracted in the first taxable year beginning or deemed to begin on or after January 1, 2006, under the Internal Revenue Code of 1986, as amended, and twenty percent in each of the next four following taxable years.

(10) For taxable years beginning or deemed to begin on or after January 1, 2003, under the Internal Revenue Code of 1986, as amended, federal adjusted gross income or, for corporations and fiduciaries, federal taxable income shall be increased by the amount of any capital investment that is expensed under section 179 of the Internal Revenue Code of 1986, as amended, that is in excess of twenty-five thousand dollars that is allowed under the federal Jobs and Growth Tax Act of 2003. Twenty percent of the total amount of expensing added back by this subsection for tax years beginning or deemed to begin on or after January 1, 2003, may be subtracted in the first taxable year beginning or deemed to begin on or after January 1, 2006, under the Internal Revenue Code of 1986, as amended, and twenty percent in each of the next four following tax years.

(11)(a) Federal adjusted gross income shall be reduced by contributions, up to two thousand dollars per married filing jointly return or one thousand dollars for any other return, and any investment earnings made as a participant in the Nebraska long-term care savings plan under the Long-Term Care Savings Plan Act, to the extent not deducted for federal income tax purposes.

(b) Federal adjusted gross income shall be increased by the withdrawals made as a participant in the Nebraska long-term care savings plan under the act by a person who is not a qualified individual or for any reason other than transfer of funds to a spouse, long-term care expenses, long-term care insurance premiums,

or death of the participant, including withdrawals made by reason of cancellation of the participation agreement or termination of the plan, to the extent previously deducted as a contribution or as investment earnings.

Sec. 8. This act becomes operative for taxable years beginning or deemed to begin on or after January 1, 2006, under the Internal Revenue Code of 1986, as amended.

Sec. 9. Original section 77-2716, Revised Statutes Supplement, 2005, is repealed.

Senator Schrock filed the following amendments to LB 1113:

AM3114

(Amendments to Standing Committee amendments, AM2785)

1. Strike sections 13, 14, 15, 16, 17, and 18.

2. Amend the repealer, renumber remaining sections, and correct internal references accordingly.

AM3138

(Amendments to Standing Committee amendments, AM2785)

1. Insert the following new section:

Sec. 19. (1) In addition to other powers authorized by law, the board of directors of a natural resources district encompassing a city of the metropolitan class may issue negotiable bonds and refunding bonds of the district, entitled flood control project bonds, with terms as determined appropriate by the board of directors, payable from an annual levy upon the taxable value of all taxable property in the district not exceeding two cents on each one hundred dollars of taxable valuation. The proceeds of such bonds shall be used to pay rights-of-way acquisition and construction costs for flood control dam and reservoir projects within the district. Any funds raised from such special levy shall be placed in a separate sinking fund and shall be used for retirement of such bonds. For the purpose of making partial payments as rights-of-way acquisition and construction progresses, the board of directors may issue warrants having terms as determined appropriate by the board of directors, payable from the proceeds of such bonds or from such special annual levy. The board of directors may agree to pay fees to fiscal agents in connection with the placement of such warrants or bonds of the district. Such warrants and bonds shall be subject to the same conditions as provided by section 2-3254.07 for improvement project area bonds.

(2) Such a district may enter into cost-sharing agreements with landowners, developers, and other cooperators in connection with such dam and reservoir projects, such agreements to contain such terms and conditions as the board of directors, after a public hearing, determines reasonable and in the public interest.

(3) In such a district's acquisition of rights-of-way for flood control dam and reservoir projects, the amount of any

increase in the fair market value of a landowner's remainder resulting from the proximity of the reservoir, or resulting from the landowner's retention of direct access to the reservoir for recreational purposes or retention of other benefits not enjoyed by the public at large, shall offset severance damages in such amount due to the landowner from the acquisition of such rights-of-way.

(4) The board of directors may determine that offsetting benefits retained by landowners are only incidental and that such flood control dam and reservoir are of general benefit to a district and may be carried out with any funds of the district.

2. Renumber the remaining sections and correct internal references and the repealer accordingly.

AM3120

(Amendments to Standing Committee amendments, AM2785)

1. Strike section 14 and insert the following new section:

Sec. 14. (1) A district shall permit public use of those portions of a water project located on lands owned by the district and on land over which the district has a lease or an easement permitting use thereof for public recreational purposes. All recreational users of such portions of a water project shall abide by the applicable rules and regulations adopted and promulgated by the board.

(2) For purposes of this section water project means a project with cooperators or others, as authorized in section 2-3235, that results in construction of a reservoir or other body of water having a permanent pool suitable for recreational purposes greater than one hundred fifty surface acres, the construction of which commenced after the effective date of this act. Water project shall not mean soil conservation projects, wetlands projects, or other district projects with cooperators or others that do not have a recreational purpose.

2. On page 7, line 11, after "owns" insert "land or has a lease or an easement permitting the use of land for public"; strike from the second comma through "for" in line 12 and show as stricken; in line 13 strike the first "and" and show as stricken; strike "unless" in line 15 through the period in line 16, show as stricken and insert an underscored period; and strike "shall" in line 18 through "purposes" in line 20, show as stricken, and insert "means land owned by the district or over which a district has a lease or an easement permitting the use thereof for public recreational purposes which the board authorizes to be used for such purposes.".

3. On page 9, lines 8 through 13, strike the new matter and insert "The city or village shall provide for and permit public use of the recreational portions of a water project as defined in section 14 of this act, on lands owned by the city or village and on lands over which the city or village has a lease or an easement

permitting the use thereof for public recreational purposes. All users of the recreational portions of a city or village water project shall abide by the applicable rules and regulations adopted and promulgated by the city or village.".

AM3117

(Amendments to Standing Committee amendments, AM2785)

1. On page 6, line 27, strike "one" and insert "two".

AM3115

(Amendments to Standing Committee amendments, AM2785)

1. On page 6, line 18, after the period insert "Any contract between one or more private residential or commercial developers and a natural resources district that involves the building of a water project shall contain a clause that requires the provision of reasonable public access for recreational use at access points designated by the natural resources district.".

AM3118

(Amendments to Standing Committee amendments, AM2785)

1. On page 6, line 18, after the period insert "Such access points shall provide reasonable access to the water project without interfering with the right of protection against trespass of the private property owners adjacent to the water project.".

AM3135

(Amendments to Standing Committee amendments, AM2785)

1. Strike sections 13, 14, 15, 16, 17, and 18 and insert the following new section:

Sec. 13. (1) The Flood Control and Recreation Project Funding Task Force is created. The members shall be appointed as follows:

(a) Three members appointed by the Executive Board of the Legislative Council;

(b) Three members appointed by the Judiciary Committee of the Legislature;

(c) Three members appointed by the Natural Resources Committee of the Legislature;

(d) Three members appointed by the Appropriations Committee of the Legislature;

(e) One member appointed by the Game and Parks Commission;

(f) One member appointed by the Director of Natural Resources;

(g) Three natural resources district representatives appointed by the Governor;

(h) Three landowner representatives appointed by the Governor;

(i) One member of the investment banking community

appointed by the Governor; and

(j) One member of the real estate development community appointed by the Governor.

(2) Appointments under this section shall be completed within thirty days after the effective date of this act and reported to the Executive Board of the Legislative Council. The chairperson of the Executive Board shall convene the first meeting of the task force within forty-five days after the appointments are reported, and the task force shall select a chairperson at such time.

(3) Issues to be studied by the task force shall include, but not be limited to:

(a) The availability of sites for necessary flood control dams and reservoirs in developing areas;

(b) The desirability of mandating that flood control dams and reservoirs provide for public recreational access, including access on lands owned by the private sector, the existing methods of financing the additional land rights acquisition, and the related construction, operation and maintenance costs that may result from such a mandate;

(c) The existing methods of publicly financing the costs of necessary flood control dams and reservoirs, including the adequacy of allocations from the Nebraska Resources Development Fund and reliance upon current revenue from local property taxation;

(d) The need for long-term financing of necessary flood control dams and reservoirs;

(e) The utilization of agreements with and cooperation of developers and other landowners to minimize the public cost of flood control dams and reservoirs; and

(f) The adequacy of existing methods of providing protection of the private property rights of adjoining landowners and those affected by flood control dams and reservoirs.

(4) The task force shall study the issues described in subsection (3) of this section, identify options for the resolution of such issues, and make recommendations to the Legislature and the Governor relating to any policy changes the task force deems desirable. The task force shall complete its work by January 1, 2006, and submit its report to the Legislature, the Governor, the Natural Resources Committee of the Legislature, the Judiciary Committee of the Legislature, and the Appropriations Committee of the Legislature by such date.

(5) This section terminates on December 1, 2006.

2. Renumber the remaining sections and correct internal references and the repealer accordingly.

AM3116

(Amendments to Standing Committee amendments, AM2785)

1. On page 9, strike from "The" in line 11 through "property." in line 13.

AM3119

(Amendments to Standing Committee amendments, AM2785)

1. On page 6, line 16, strike "The" and insert "(a) Except as otherwise provided in subdivision (b) of this subsection, the"; and after line 23 insert the following:

"(b) No public access shall be required for any water project built pursuant to contract requirements between a private developer and a natural resources district wherein the natural resources district's portion of the cost of the water project consists solely of providing flood control.".

GENERAL FILE

LEGISLATIVE BILL 1024. Senators Bourne and Connealy offered the following amendment to the Standing Committee amendment:

AM3128

(Amendments to Standing Committee amendments, AM2687)

1. Insert the following new section:

Sec. 114. This act is a complete act and its provisions inseverable. If any provision is declared unconstitutional, the entire act is invalid.

2. Renumber the remaining sections accordingly.

Senator Beutler moved the previous question. The question is, "Shall the debate now close?"

Senator Beutler moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

The Bourne-Connealy amendment was adopted with 26 ayes, 3 nays, 14 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 808 with 35 ayes, 2 nays, 5 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 808. With Emergency.

A BILL FOR AN ACT relating to government; to amend sections 18-2148, 18-2149, 19-2428, 23-2517, 23-2519, 23-2520, 23-2522, 23-2524, 23-2525, 23-2526, 23-2527, 23-2531, 23-2533, 23-3209, 77-801.01, 77-1359, 77-1843, 77-5009, and 77-5029, Reissue Revised Statutes of Nebraska, sections 18-2117.01, 18-2147, 23-114.03, 23-2518, 23-3202, 77-422, 77-1343, 77-1345, 77-1348, 77-1363, 77-5022, and 77-5023, Revised Statutes Cumulative Supplement, 2004, and sections 77-201, 77-1344, 77-1345.01, 77-1347, 77-1355, 77-1502, 77-1504, 77-1507, 77-5019, and 79-1016, Revised Statutes Supplement, 2005; to define and redefine terms; to change and eliminate provisions relating to tax-increment financing, county zoning regulations, county civil service provisions, assessment and assessors, agricultural and horticultural land classification and valuation, and proceedings of county boards of equalization and the Tax Equalization and Review Commission; to eliminate a penalty relating to county assessors; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 77-1360.01, 77-1361, 77-1362, 77-1515, and 77-1613.03, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Aguilar	Cudaback	Hudkins	Louden	Schimek
Baker	Cunningham	Janssen	Mines	Schrock
Beutler	Engel	Jensen	Pahls	Stuhr
Bourne	Erdman	Johnson	Pedersen, Dw.	Stuthman
Brashear	Fischer	Kopplin	Pederson, D.	Synowiecki
Brown	Flood	Kremer	Preister	Thompson
Burling	Foley	Kruse	Price	Wehrbein
Combs	Friend	Landis	Raikes	
Connealy	Heidemann	Langemeier	Redfield	

Voting in the negative, 0.

Present and not voting, 1:

Howard

Excused and not voting, 5:

Byars	Chambers	Cornett	McDonald	Smith

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 819.

A BILL FOR AN ACT relating to real estate; to amend sections 81-885.07, 81-885.17, and 81-885.20, Reissue Revised Statutes of Nebraska; to change the membership of the State Real Estate Commission to reflect the current congressional districts; to change procedures relating to licenses; to change provisions relating to the Nebraska Real Estate License Act; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Aguilar	Cudaback	Howard	Langemeier	Redfield
Baker	Cunningham	Hudkins	Louden	Schimek
Beutler	Engel	Janssen	Mines	Schrock
Bourne	Erdman	Jensen	Pahls	Stuhr
Brashear	Fischer	Johnson	Pedersen, Dw.	Stuthman
Brown	Flood	Kopplin	Pederson, D.	Synowiecki
Burling	Foley	Kremer	Preister	Thompson
Combs	Friend	Kruse	Price	Wehrbein
Connealy	Heidemann	Landis	Raikes	

Voting in the negative, 0.

Excused and not voting, 5:

Byars	Chambers	Cornett	McDonald	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 856 with 39 ayes, 1 nay, 4 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 856.

A BILL FOR AN ACT relating to animals; to amend sections 2-3006, 2-3007, 54-625, 54-627, 54-633, 54-701.03, 54-703, 54-704, 54-705, 54-750, 54-751, 54-752, 54-753, 54-2601, and 54-2603, Reissue Revised Statutes of Nebraska, and sections 2-3002, 2-3003, 2-3005, 28-1008, and 28-1018, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to the Nebraska Poultry Disease Control Act; to regulate exotic animal auctions and swap meets as prescribed; to change prohibited acts relating to animals; to change provisions relating to diseased animals; to define and redefine terms; to change provisions of the Commercial Dog and Cat Operator Inspection Act; to provide powers for the Department of Agriculture; to change provisions relating to the Competitive Livestock Markets Act; to change and provide penalties; to authorize a livestock premises and animal identification system as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Aguilar	Cudaback	Howard	Langemeier	Redfield
Baker	Cunningham	Hudkins	Louden	Schimek
Beutler	Engel	Janssen	Mines	Schrock
Bourne	Erdman	Jensen	Pahls	Stuhr
Brashear	Fischer	Johnson	Pedersen, Dw.	Stuthman
Brown	Flood	Kopplin	Pederson, D.	Synowiecki
Burling	Foley	Kremer	Preister	Thompson
Combs	Friend	Kruse	Price	Wehrbein
Connealy	Heidemann	Landis	Raikes	

Voting in the negative, 0.

Excused and not voting, 5:

Byars	Chambers	Cornett	McDonald	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 856A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 856, Ninety-ninth Legislature, Second Session, 2006.

Whereupon the President stated: "All provisions of law relative to procedure

having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Aguilar	Cunningham	Hudkins	Mines	Schrock
Baker	Engel	Janssen	Pahls	Stuhr
Bourne	Erdman	Jensen	Pedersen, Dw.	Stuthman
Brashear	Fischer	Johnson	Pederson, D.	Synowiecki
Brown	Flood	Kopplin	Preister	Thompson
Burling	Foley	Kremer	Price	Wehrbein
Combs	Friend	Landis	Raikes	
Connealy	Heidemann	Langemeier	Redfield	
Cudaback	Howard	Louden	Schimek	

Voting in the negative, 0.

Present and not voting, 2:

Beutler	Kruse

Excused and not voting, 5:

Byars	Chambers	Cornett	McDonald	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 898.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend sections 84-1410, 84-1411, 84-1412, and 84-1414, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to closed sessions; to provide for detailed agendas; to change provisions relating to public bodies; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Aguilar	Engel	Janssen	Mines	Schrock
Baker	Erdman	Jensen	Pahls	Stuhr
Beutler	Fischer	Johnson	Pedersen, Dw.	Synowiecki
Bourne	Flood	Kopplin	Pederson, D.	Thompson
Brown	Foley	Kremer	Preister	Wehrbein
Combs	Friend	Kruse	Price	
Connealy	Heidemann	Landis	Raikes	
Cudaback	Howard	Langemeier	Redfield	
Cunningham	Hudkins	Louden	Schimek	

Voting in the negative, 0.

Present and not voting, 3:

Brashear	Burling	Stuthman

Excused and not voting, 5:

Byars	Chambers	Cornett	McDonald	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 904.

A BILL FOR AN ACT relating to street and road funds; to amend sections 39-2401, 39-2510, 39-2520, and 77-27,132, Reissue Revised Statutes of Nebraska; to change provisions relating to proceeds credited to and distributions from the Highway Allocation Fund; to require use of certain sales and use tax revenue for street and road purposes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Aguilar	Cudaback	Heidemann	Landis	Schimek
Baker	Cunningham	Howard	Langemeier	Schrock
Beutler	Engel	Hudkins	Louden	Stuhr
Bourne	Erdman	Janssen	Mines	Stuthman
Brown	Fischer	Jensen	Pahls	Synowiecki
Burling	Flood	Kopplin	Pedersen, Dw.	Wehrbein
Combs	Foley	Kremer	Pederson, D.	
Connealy	Friend	Kruse	Price	

Voting in the negative, 4:

Johnson	Raikes	Redfield	Thompson

Present and not voting, 2:

Brashear	Preister

Excused and not voting, 5:

Byars	Chambers	Cornett	McDonald	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 956 with 33 ayes, 2 nays, 9 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 956.

A BILL FOR AN ACT relating to the Legislature; to amend sections 50-401.01, 50-1203, 50-1204, 50-1205, 50-1206, 50-1207, 50-1208, 50-1210, and 50-1211, Reissue Revised Statutes of Nebraska, and section 77-27,119, Revised Statutes Supplement, 2005, as amended by section 9, Legislative Bill 588, Ninety-ninth Legislature, Second Session, 2005; to establish the office of Legislative Audit and Research; to provide for appointment of a Legislative Auditor; to change provisions of the Legislative Performance Audit Act; to eliminate obsolete language; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Aguilar	Cudaback	Howard	Landis	Redfield
Baker	Cunningham	Hudkins	Langemeier	Schimek
Beutler	Erdman	Janssen	Louden	Schrock
Bourne	Fischer	Jensen	Mines	Stuhr
Brown	Flood	Johnson	Pahls	Stuthman
Burling	Foley	Kopplin	Preister	Synowiecki
Combs	Friend	Kremer	Price	Thompson
Connealy	Heidemann	Kruse	Raikes	Wehrbein

Voting in the negative, 0.

Present and not voting, 4:

Brashear	Engel	Pedersen, Dw.	Pederson, D.

Excused and not voting, 5:

Byars	Chambers	Cornett	McDonald	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 956A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 956, Ninety-ninth Legislature, Second Session, 2006.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Aguilar	Cudaback	Howard	Langemeier	Schrock
Baker	Cunningham	Hudkins	Louden	Stuhr
Beutler	Engel	Janssen	Mines	Stuthman
Bourne	Erdman	Jensen	Pahls	Synowiecki
Brashear	Fischer	Johnson	Preister	Thompson
Brown	Flood	Kopplin	Price	Wehrbein
Burling	Foley	Kremer	Raikes	
Combs	Friend	Kruse	Redfield	
Connealy	Heidemann	Landis	Schimek	

Voting in the negative, 0.

Present and not voting, 2:

Pedersen, Dw. Pederson, D.

Excused and not voting, 5:

Byars	Chambers	Cornett	McDonald	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 962.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-957, Reissue Revised Statutes of Nebraska, sections 71-5663, 71-5668, 85-1416, and 85-1903, Revised Statutes Cumulative Supplement, 2004, and section 71-17,112, Revised Statutes Supplement, 2005; to change provisions relating to the Nursing Faculty Student Loan Cash Fund, the Rural Health Systems and Professional Incentive Act, Peru State College, the Coordinating Commission for Postsecondary Education Act, and student financial awards; to state findings regarding postsecondary education; to provide for a report regarding postsecondary education priorities; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Aguilar	Cunningham	Howard	Langemeier	Schimek
Beutler	Engel	Hudkins	Louden	Schrock
Bourne	Erdman	Janssen	Mines	Stuhr
Brashear	Fischer	Jensen	Pahls	Stuthman
Brown	Flood	Johnson	Pedersen, Dw.	Synowiecki
Combs	Foley	Kopplin	Pederson, D.	Thompson
Connealy	Friend	Kruse	Preister	Wehrbein
Cudaback	Heidemann	Landis	Price	

Voting in the negative, 1:

Redfield

Present and not voting, 4:

Baker	Burling	Kremer	Raikes

Excused and not voting, 5:

Byars	Chambers	Cornett	McDonald	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 962A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 962, Ninety-ninth Legislature, Second Session, 2006.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Aguilar	Engel	Jensen	Pahls	Schrock
Brashear	Flood	Johnson	Pedersen, Dw.	Stuhr
Brown	Foley	Kopplin	Pederson, D.	Synowiecki
Combs	Heidemann	Kruse	Preister	Thompson
Connealy	Howard	Landis	Price	Wehrbein
Cudaback	Hudkins	Louden	Raikes	
Cunningham	Janssen	Mines	Schimek	

Voting in the negative, 3:

Erdman	Langemeier	Redfield

Present and not voting, 8:

Baker	Bourne	Fischer	Kremer
Beutler	Burling	Friend	Stuthman

Excused and not voting, 5:

Byars	Chambers	Cornett	McDonald	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 994 with 34 ayes, 2 nays, 8 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 994. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 43-522, 43-524, 43-2505, 43-2507, 43-2508, 43-2509, 43-2510, 43-2512, 43-2606, 43-3401, 43-3402, 68-1204, 68-1205, 68-1206, 68-1402, 68-1403, 68-1405, 68-1503, 68-1514, 68-1521, 68-1522, 68-1523, 68-1713, 68-1721, 71-193.01, 71-193.02, 71-193.03, 71-2225, 71-2803, 71-2804, 71-2807, 71-2810, 71-3515.01, 71-3515.02, 71-3516, 71-7401, 71-7402, 71-7403, 71-7404, 71-7405, 71-7406, 71-7407, 71-7408, 71-7409, 71-7410, 71-7411, 71-7412, 71-7413, 71-7416, 71-7417, 71-7420, 71-7422, 71-7423, 71-7424, 71-7425, 71-7426, 79-1902, 80-315, 81-647, 81-668, 81-671, 81-3007.01, and 83-107.01, Reissue Revised Statutes of Nebraska, sections 20-162, 28-356, 28-372, 28-380, 71-113, 71-162, 71-612, 71-617.15, 71-627, 71-628, 71-634, 71-801, 71-802, 71-814, 71-1910, 71-1911, 71-1911.02, 71-1914, 71-1916, 81-1316, 81-3008, and 81-3009, Revised Statutes Cumulative Supplement, 2004, and sections 68-1021.01, 71-101, 71-1,104.01, 71-815, 71-816, 71-1721, 71-3503, and 71-3519, Revised Statutes Supplement, 2005; to define and redefine terms; to change, eliminate, and transfer provisions relating to the Wholesale Drug Distributor Licensing Act and physical therapy; to adopt the Rural Behavioral Health Training and Placement Program Act, the Immunosuppressant Drug Repository Program Act, and the Physical Therapy Practice Act; to adopt federal law by reference; to change provisions relating to child care regulation and welfare reform; to change membership on the Board of Veterinary Medicine and Surgery; to change the name of the Division of

Dental Health; to transfer powers and duties to the Department of Health and Human Services Finance and Support relating to home and community-based services for the elderly and children with disabilities, medically handicapped children, early intervention services for children and families, respite lifespan services, and adult protective services; to change provisions relating to fees for vital records, nurse practitioners, food programs, medical records, health information, and veterans' homes; to change and eliminate provisions relating to the Nebraska Behavioral Health Services Act and the Radiation Control Act; to provide an exemption from the State Personnel System; to create the position of system chief administrative officer for the Nebraska Health and Human Services System; to eliminate the position of Policy Secretary and the State Behavioral Health Council; to state intent and provide powers and duties relating to sudden infant death syndrome and shaken baby syndrome; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 71-2801, 71-2802, 71-2803.01, 71-2805, 71-2808, 71-2809, 71-2811, 71-2812, 71-2814, 71-2815, 71-2816, 71-2817, 71-2819, 71-2820, 71-2821, 71-2822, 71-2823, 71-7414, 71-7415, 71-7418, 71-7419, and 71-7421, Reissue Revised Statutes of Nebraska, sections 71-819, 71-820, and 71-1917, Revised Statutes Cumulative Supplement, 2004, and section 71-813, Revised Statutes Supplement, 2005; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Aguilar	Connealy	Heidemann	Langemeier	Redfield
Baker	Cudaback	Hudkins	Louden	Schimek
Beutler	Cunningham	Janssen	Mines	Schrock
Bourne	Engel	Jensen	Pahls	Stuhr
Brashear	Erdman	Johnson	Pedersen, Dw.	Stuthman
Brown	Fischer	Kopplin	Pederson, D.	Synowiecki
Burling	Flood	Kremer	Preister	Thompson
Chambers	Foley	Kruse	Price	Wehrbein
Combs	Friend	Landis	Raikes	

Voting in the negative, 0.

Present and not voting, 1:

Howard

Excused and not voting, 4:

Byars	Cornett	McDonald	Smith

A constitutional two-thirds majority having voted in the affirmative, the bill

was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 994A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 994, Ninety-ninth Legislature, Second Session, 2006; to reduce appropriations; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Baker	Engel	Jensen	Pahls	Stuhr
Bourne	Erdman	Johnson	Pedersen, Dw.	Stuthman
Brown	Fischer	Kopplin	Pederson, D.	Synowiecki
Burling	Flood	Kremer	Preister	Thompson
Chambers	Foley	Kruse	Price	Wehrbein
Combs	Friend	Landis	Raikes	
Connealy	Heidemann	Langemeier	Redfield	
Cudaback	Hudkins	Louden	Schimek	
Cunningham	Janssen	Mines	Schrock	

Voting in the negative, 0.

Present and not voting, 4:

Aguilar	Beutler	Brashear	Howard

Excused and not voting, 4:

Byars	Cornett	McDonald	Smith

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1010.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,230, 77-27,231, 77-27,232, and 77-27,233, Revised Statutes Supplement, 2005; to permit a taxpayer to receive both a charitable deduction and a charitable endowment tax credit; to reduce the amount of the credit allowed; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Aguilar	Cudaback	Howard	Landis	Price
Baker	Cunningham	Hudkins	Langemeier	Schimek
Beutler	Engel	Janssen	Louden	Schrock
Bourne	Erdman	Jensen	Mines	Stuhr
Brown	Flood	Johnson	Pahls	Synowiecki
Burling	Foley	Kopplin	Pedersen, Dw.	Thompson
Combs	Friend	Kremer	Pederson, D.	Wehrbein
Connealy	Heidemann	Kruse	Preister	

Voting in the negative, 3:

Chambers	Raikes	Redfield

Present and not voting, 3:

Brashear	Fischer	Stuthman

Excused and not voting, 4:

Byars	Cornett	McDonald	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1038.

A BILL FOR AN ACT relating to the Nebraska State Fairgrounds; to amend section 81-1108.33, Reissue Revised Statutes of Nebraska; to provide for review and approval of certain leases and agreements; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Aguilar	Cunningham	Janssen	Pahls	Stuhr
Baker	Engel	Jensen	Pedersen, Dw.	Stuthman
Beutler	Erdman	Kopplin	Pederson, D.	Synowiecki
Bourne	Fischer	Kremer	Preister	Thompson
Brashear	Flood	Kruse	Price	Wehrbein
Brown	Foley	Landis	Raikes	
Burling	Friend	Langemeier	Redfield	
Combs	Heidemann	Louden	Schimek	
Cudaback	Howard	Mines	Schrock	

Voting in the negative, 0.

Present and not voting, 4:

Chambers	Connealy	Hudkins	Johnson

Excused and not voting, 4:

Byars	Cornett	McDonald	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1107.

A BILL FOR AN ACT relating to schools; to provide for student self-management of diabetes at school and school-related activities.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Aguilar	Connealy	Heidemann	Landis	Raikes
Baker	Cudaback	Howard	Langemeier	Redfield
Beutler	Cunningham	Hudkins	Louden	Schimek
Bourne	Engel	Janssen	Mines	Schrock
Brashear	Erdman	Jensen	Pahls	Stuhr
Brown	Fischer	Johnson	Pedersen, Dw.	Stuthman
Burling	Flood	Kopplin	Pederson, D.	Synowiecki
Chambers	Foley	Kremer	Preister	Thompson
Combs	Friend	Kruse	Price	Wehrbein

Voting in the negative, 0.

Excused and not voting, 4:

Byars	Cornett	McDonald	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1189. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.15, Revised Statutes Cumulative Supplement, 2004, and sections 77-2701, 77-2701.04, 77-2701.47, and 77-2704.12, Revised Statutes Supplement, 2005; to provide, change, and eliminate sales and use tax exemptions relating to molds and dies and purchases by museums, housing agencies, and certain organizations serving persons with developmental disabilities as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal section 5, Legislative Bill 968, Ninety-ninth Legislature, Second Session, 2006; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Aguilar	Cudaback	Howard	Louden	Schimek
Baker	Cunningham	Hudkins	Mines	Schrock
Beutler	Engel	Janssen	Pahls	Stuhr
Bourne	Erdman	Johnson	Pedersen, Dw.	Stuthman
Brashear	Fischer	Kopplin	Pederson, D.	Synowiecki
Brown	Flood	Kremer	Preister	Thompson
Burling	Foley	Kruse	Price	Wehrbein
Chambers	Friend	Landis	Raikes	
Combs	Heidemann	Langemeier	Redfield	

Voting in the negative, 0.

Present and not voting, 2:

Connealy	Jensen

Excused and not voting, 4:

Byars	Cornett	McDonald	Smith

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1189A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1189, Ninety-ninth

Legislature, Second Session, 2006.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Aguilar	Cunningham	Hudkins	Mines	Schrock
Baker	Engel	Janssen	Pahls	Stuhr
Bourne	Erdman	Jensen	Pedersen, Dw.	Stuthman
Brashear	Fischer	Johnson	Pederson, D.	Synowiecki
Brown	Flood	Kopplin	Preister	Thompson
Burling	Foley	Kremer	Price	Wehrbein
Combs	Friend	Landis	Raikes	
Connealy	Heidemann	Langemeier	Redfield	
Cudaback	Howard	Louden	Schimek	

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Chambers	Kruse

Excused and not voting, 4:

Byars	Cornett	McDonald	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 259CA.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first ~~five hundred thousand~~ one million dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

(iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to increase the amount of state lottery proceeds to be distributed to the Compulsive Gamblers Assistance Fund.

For

Against.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 38:

Aguilar	Cudaback	Heidemann	Landis	Schimek
Baker	Cunningham	Howard	Langemeier	Schrock
Beutler	Engel	Hudkins	Mines	Stuhr
Brashear	Erdman	Jensen	Pahls	Stuthman
Brown	Fischer	Johnson	Pedersen, Dw.	Thompson
Chambers	Flood	Kopplin	Pederson, D.	Wehrbein
Combs	Foley	Kremer	Preister	
Connealy	Friend	Kruse	Price	

Voting in the negative, 2:

Louden	Redfield

Present and not voting, 5:

Bourne	Burling	Janssen	Raikes	Synowiecki

Excused and not voting, 4:

Byars	Cornett	McDonald	Smith

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

SPEAKER BRASHEAR PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 808, 819, 856, 856A, 898, 904, 956, 956A, 962, 962A, 994, 994A, 1010, 1038, 1107, 1189, 1189A, and LR 259CA.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 1105. Placed on Select File as amended.
(E & R amendment, AM7222, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Michael Flood, Chairperson

AMENDMENTS - Print in Journal

Senator Jensen filed the following amendment to LB 1148:
AM3085

(Amendments to Final Reading copy)

1. On page 4, line 3, strike "necessary" and insert "prescription" and after "anaphylaxis" insert "medication or related".

Senator Raikes filed the following amendment to LB 1024:
AM3145

1. In the Raikes amendment, AM3065:
a. On page 2, line 26, after the last quotation mark insert "(1)"; and
b. On page 3, line 2, after "adopt" insert "and implement"; and in line 4 after the underscored period insert "The integration and diversity plan shall include participation standards for member school districts. If in any year a member school district fails to meet the participation standards, the learning community coordinating council shall inform the district and advise the district as to the actions necessary for the district to meet such standards. If a member school district fails to meet the participation standards for two consecutive years, the learning community coordinating council shall submit a plan to dissolve such district pursuant to the Learning Community Reorganization Act.
(2)".
2. In the Standing Committee amendments, AM2687:
a. On page 43, line 11, after "boards" insert ", except that approval shall not be required by any school board for dissolutions required pursuant to section 112 of this act"; and in line 20 after "district" insert ", if required,".
3. On page 151, line 2, strike "and"; and in line 4 after "Act" insert "; and
(9) Upon recommendation of the integration task force for the learning community, adopt and implement an integration and diversity plan".

Senator Connealy filed the following amendment to LR 272CA:
AM3147

(Amendments to Standing Committee amendments, AM2184)

1. Strike sections 1 and 2 and insert the following new sections:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 12:

VIII-12 (1) For the purpose of developing, rehabilitating, acquiring, or redeveloping ~~substandard and blighted property in a redevelopment project as determined by law,~~ property, the Legislature may by general law authorize any city or village of the state ~~may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions,~~ within its corporate boundaries or within the area in which it exercises planning, zoning, and code enforcement authority or any county to incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise, notwithstanding any other provision in this Constitution and without regard to charter limitations and restrictions. ~~Notwithstanding~~

(2) Except as provided in subsection (3) of this section and notwithstanding any other provision in ~~the~~ this Constitution or a local charter, such cities, ~~or~~ villages, or counties may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, which taxes shall be at such rate for a period not to exceed fifteen years, on the assessed valuation of the property ~~in the project area portion of a designated blighted and substandard area~~ that is in excess of the assessed valuation of such property for the year prior to such development, rehabilitation, acquisition, or redevelopment.

(3) Notwithstanding any other provision in this Constitution, the Legislature may provide that the limitation to a period of fifteen years on the collection of all taxes levied on the excess value of property collected for the payment of the indebtedness incurred for the purpose of developing, rehabilitating, acquiring, or redeveloping such property may be extended to a period not to exceed thirty years if more than one-half of the property by area within the project area is owned by the State of Nebraska and if the indebtedness to be incurred for the development, rehabilitation, acquisition, or redevelopment of such property cannot be reasonably financed within fifteen years.

(4) When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.

Sec. 2. The proposed amendment shall be submitted to the

electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to remove a requirement that property be substandard and blighted for purposes of rehabilitating, acquiring, or redeveloping such property through use of public debt or special property tax treatment, to add development as a purpose for use of the constitutional provision authorizing public debt and special property tax treatment, to permit counties and cities and villages outside their corporate boundaries to use such constitutional provision, and to authorize the Legislature to extend the term of such special tax treatment from fifteen to thirty years.

For

Against.

Senator Jensen filed the following amendment to LB 1248:
AM3146

(Amendments to Standing Committee amendments, AM2831)

1. On page 6, line 17, strike "committee" and insert "Legislature"; in line 22 strike "committee or the"; and strike beginning with "committee" in line 25 through "the" in line 26.

2. On page 7, line 4, strike "committee or the"; strike beginning with "The" in line 5 through "(5)" in line 14; and in line 15 strike "annually" and insert "biennially".

3. On page 13, line 22, strike ", prioritizing,".

4. On page 14, after line 11 insert the following new subsection:

"(4) Except as otherwise provided in this subsection, proposed rules and regulations under this section relating to the establishment of premiums, copayments, or deductibles for eligible recipients or limits on the amount, duration, or scope of covered services for eligible recipients shall not become effective until there has been an opportunity for legislative consideration of such rules and regulations during a regular session of the Legislature. This subsection does not apply to rules and regulations that are required by federal or state law or proposed due to a loss of federal matching funds. Legislative consideration includes, but is not limited to, the introduction of a legislative bill, legislative resolution, or amendment to pending legislation relating to such rules and regulations.".

Senator Kruse filed the following amendment to LB 1024:
FA674

Amendment to AM2687

Strike Sections 44 through Section 115.

MOTION - Print in Journal

Senator Raikes filed the following motion to LB 1024:
Suspend the rules, Rule 6, Section 3, and Rule 7, Sections 3 and 7, and vote on the advancement of LB 1024 without further amendment, motion, or debate.

UNANIMOUS CONSENT - Add Cointroducers

Senator Thompson asked unanimous consent to add her name as cointroducer to LB 994. No objections. So ordered.

Senator Brashear asked unanimous consent to add his name as cointroducer to LB 1006. No objections. So ordered.

WITHDRAW - Cointroducers

Senator Bourne withdrew "Bourne at the request of the Governor" as introducers to LB 1006.

UNANIMOUS CONSENT - Add Cointroducers

Senator Bourne asked unanimous consent to add his name as cointroducer to LB 1006. No objections. So ordered.

Senator Price asked unanimous consent to add her name as cointroducer to LB 1107. No objections. So ordered.

VISITORS

Visitors to the Chamber were FFA students from Bloomfield, Laurel, and Hartington; Ashley King and Ashley Nelson from Newman Grove; Yu Yamamoto from Japan; 51 fourth-grade students and teachers from Sacred Heart School, Norfolk; 7 R.N. students and instructor from Creighton University, Omaha; 17 fourth-grade students and teacher from Humphrey; 25 fifth-grade students and teacher from Christ the King School, Omaha; Jan Quinley, Eleshia Teet, Jessica Bray, Mary Raynovich, Abra Poindexter, and Eliga Ali from Omaha; 37 eighth-grade students and teachers from Lexington; Senator Dwite Pedersen's daughter, son-in-law, and grandchildren, Michaela, Emanuel, Chalie, Cameron, Caleb Dwite, and Clayton Jackson from Omaha; 96 fourth-grade students and teacher from St. Wenceslaus School, Omaha; 29 fourth-grade students and teachers from Arapahoe; 15 fourth-grade students and teacher from Pleasanton; 37 fourth-grade students and teacher from Pierce; and 6 students and sponsors from Winnebago.

The Doctor of the Day was Dr. Jim Van Delden from Hubbard.

ADJOURNMENT

At 2:42 p.m., on a motion by Senator Friend, the Legislature adjourned until 10:00 a.m., Monday, April 10, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-SEVENTH DAY - APRIL 10, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 10, 2006

PRAYER

The prayer was offered by Pastor Jim Miller, Faith Lutheran Church, Seward.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Brown, Combs, Dw. Pedersen, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1492, line 4, strike "954" and insert "952".
The Journal for the fifty-sixth day was approved as corrected.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 6, 2006, at 2:55 p.m. were the following: LBs 808e, 819, 856, 856A, 898, 904, 956, 956A, 962, 962A, 994e, 994Ae, 1010, 1038, 1107, 1189e, and 1189A.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on April 6, 2006, at 2:58 p.m. was the following: LR 259CA.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

MESSAGE FROM THE GOVERNOR

April 6, 2006

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 968e, 968Ae, 188, 562, 876e, 915, 1069, and 1069A were received in my office on April 3, 2006.

I signed these bills and delivered them to the Secretary of State on April 6, 2006.

Sincerely,
(Signed) Dave Heineman
Governor

MOTION - Return LB 1148 to Select File

Senator Jensen moved to return LB 1148 to Select File for his specific pending amendment, AM3085, found on page 1525.

The Jensen motion to return prevailed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1148. The Jensen specific pending amendment, AM3085, found on page 1525, was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 965 to Select File

Senator Cunningham moved to return LB 965 to Select File for the following Cunningham-Jensen specific amendment:

AM3151

1. Insert the following new sections:

Sec. 8. The Long-Term Care Partnership Program is established. The program shall be administered by the Department of Health and Human Services Finance and Support in accordance with federal requirements on state long-term care partnership programs. In order to implement the program, the department shall file a State plan amendment with the federal Centers for Medicare and Medicaid Services pursuant to the requirements set forth in 42

U.S.C. 1396p(b), as such section existed on March 1, 2006.

Sec. 11. The following sections are outright repealed:
Sections 68-1095, 68-1096, 68-1097, 68-1098, and 68-1099, Revised Statutes Supplement, 2005.

2. Correct the operative date section so that the sections added by this amendment become operative on their effective date.

3. Renumber the remaining sections and correct internal references accordingly.

The Cunningham motion to return prevailed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 965. The Cunningham-Jensen specific pending amendment, AM3151, found in this day's Journal, was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 965 to Select File

Senator Jensen moved to return LB 965 to Select File for his specific pending amendment, AM3124, found on page 1496.

The Jensen motion to return prevailed with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 965. The Jensen specific pending amendment, AM3124, found on page 1496, was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 965 to Select File

Senator Landis moved to return LB 965 to Select File for the following Landis-Jensen specific amendment:
FA675

Amendment to AM3124

Strike Section 6.

The Landis motion to return prevailed with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 965. The Landis specific amendment, FA675, found in this day's Journal, was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

WITHDRAW - Amendment to LB 965A

Senator Jensen withdrew his pending amendment, AM3092, found on page 1445, to LB 965A.

SELECT FILE

LEGISLATIVE RESOLUTION 274CA. Advanced to E & R for engrossment.

LEGISLATIVE BILL 79. E & R amendment, AM7218, found on page 1418, was adopted.

Senator Hudkins offered the following amendment:
AM3097

(Amendments to E & R amendments, AM7218)

1. Insert the following new sections:

Section 1. Section 74-1329, Reissue Revised Statutes of Nebraska, is amended to read:

74-1329 Sections 74-1329 to 74-1343 and section 3 of this act shall be known and may be cited as the Nebraska Highway-Rail Grade Crossing Safety and Consolidation Act.

Sec. 3. (1) If a railroad closes a bridge over a railroad track, and the bridge was constructed at a crossing to provide for travel on a public road, because the railroad has determined that the bridge is unfit for its intended purpose, the railroad:

(a) Shall provide written notice sixty days prior to closure to all landowners located within twenty miles of the crossing of the intent to close the bridge. Such notice shall also be provided to the governing body of the county in which the crossing is located; and

(b) Shall file with the governing body of the county in which the crossing is located a detailed plan for updating the crossing to allow for its continued use within thirty days after closure. The plan shall also include a timeline for reopening the crossing. The timeline shall not be greater than one hundred eighty days after the date of closure.

(2) If a railroad does not comply with subdivision (1)(b) of this section, the railroad shall pay to the county in which the crossing is located a fine of one thousand dollars per day for every day that the crossing is closed that is greater than one hundred eighty days after the date the crossing was closed. If a railroad does not comply with the notice requirement of subdivision

(1)(a) of this section, the railroad shall be liable in an amount of one thousand dollars in civil damages to any landowner or governing body that qualifies to receive the notice.

(3) For any crossing described in subsection (1) of this section closed prior to the effective date of this act and which remains closed on the effective date of this act the railroad shall pay to the county in which the crossing is located a fine of one thousand dollars per day for every day the crossing remains closed on and after the effective date of this act.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.

2. On page 2, line 9, strike "section" and insert "sections 74-1329 and"; and in line 10 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Senator Hudkins withdrew her amendment.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 529. The Standing Committee amendment, AM0215, found on page 648, First Session, 2005, and considered on page 473, was renewed.

Senator Beutler asked unanimous consent to withdraw his pending amendment, AM1795, printed separately and referred to on page 291 and considered on pages 473, 474, and 477, and replace it with his substitute amendment, AM2787, to the Standing Committee amendment. No objections. So ordered.
(Amendment, AM2787 is on file and available in the Clerk's Office, Room 2014.)

Senator Thompson moved the previous question. The question is, "Shall the debate now close?"

Senator Thompson moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Senator Thompson requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 20:

Aguilar	Brown	Cornett	Kruse	Raikes
Baker	Burling	Foley	Landis	Synowiecki
Beutler	Byars	Jensen	Mines	Thompson
Brashear	Connealy	Johnson	Preister	Wehrbein

Voting in the negative, 10:

Chambers	Erdman	Hudkins	Redfield	Stuhr
Engel	Fischer	McDonald	Smith	Stuthman

Present and not voting, 18:

Bourne	Flood	Janssen	Louden	Schimek
Combs	Friend	Kopplin	Pahls	Schrock
Cudaback	Heidemann	Kremer	Pederson, D.	
Cunningham	Howard	Langemeier	Price	

Excused and not voting, 1:

Pedersen, Dw.

The motion to cease debate failed with 20 ayes, 10 nays, 18 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Mines moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Beutler amendment was adopted with 26 ayes, 3 nays, and 20 present and not voting.

Pending.

COMMUNICATION

April 10, 2006

Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Please be advised that pursuant to Rule 1, Section 17, the Executive Board met and approved Speaker Brashear's request that LB 1024 and LB 1024A be designated as 2006 Speaker Major Proposals.

Sincerely,
(Signed) Senator Pat Engel
Chairman, Executive Board

AMENDMENTS - Print in Journal

Senator Mines filed the following amendment to LB 1227:
AM3150

1. Insert the following new section:

Sec. 9. Section 15, Legislative Bill 454, Ninety-ninth Legislature, Second Session, 2006, is amended to read:

Sec. 15. (1)(a) A permitholder may carry a concealed handgun anywhere in Nebraska, except any: Police, sheriff, or Nebraska State Patrol station or office; detention facility, prison, or jail; courtroom or building which contains a courtroom; federal, state, or local government building; polling place during a bona fide election; meeting of the governing body of a county, public school district, municipality, or other political subdivision; meeting of the Legislature or a committee of the Legislature; financial institution; professional, semiprofessional, or collegiate athletic event; school, school grounds, school-owned vehicle, or school-sponsored activity or athletic event; place of worship; emergency room or trauma center; childcare center; domestic violence victim or sexual assault victim shelter; residence of another person without his or her permission; playground or municipal park; public swimming pool; public recreation facility; youth center; music concert; mental health facility; political rally or fundraiser; establishment having a license issued under the Nebraska Liquor Control Act that derives over one-half of its total income from the sale of alcoholic liquor; place where the possession or carrying of a firearm is prohibited by state or federal law; a place or premises where the person, persons, entity, or entities in control of the property or employer in control of the property has prohibited permitholders from carrying concealed handguns into or onto the place or premises; a passenger air terminal, except that a permitholder may, to the extent otherwise permitted by law, transport a concealed handgun into or out of a passenger air terminal for the sole purpose, respectively, of (i) presenting such concealed handgun to United States Customs and Border Protection officers in advance of an international flight in order to comply with federal law, (ii) checking such concealed handgun with his or her luggage, or (iii) retrieving such concealed handgun from the baggage claim area; or into or onto any other place or premises where handguns are prohibited by law or rule or regulation.

(b) A financial institution or air passenger terminal may authorize its security personnel to carry concealed handguns in the financial institution or air passenger terminal while on duty so long as each member of the security personnel, as authorized, is in compliance with the Concealed Handgun Permit Act and possesses a permit to carry a concealed handgun issued pursuant to the act.

(2) If a person, persons, entity, or entities in control of the property or an employer in control of the property prohibits

a permitholder from carrying a concealed handgun into or onto the place or premises and such place or premises are open to the public, a permitholder does not violate this section unless the person, persons, entity, or entities in control of the property or employer in control of the property has posted conspicuous notice that carrying a concealed handgun is prohibited in or on the place or premises or has made a request, directly or through an authorized representative or management personnel, that the permitholder remove the concealed handgun from the place or premises. A permitholder carrying a concealed handgun in a vehicle into or onto any place or premises does not violate this section so long as the handgun is not removed from the vehicle while the vehicle is in or on the place or premises. An employer may prohibit employees or other persons who are permitholders from carrying concealed handguns in vehicles owned by the employer.

(3) A permitholder shall not carry a concealed handgun while he or she is consuming alcohol or while the permitholder has remaining in his or her blood, urine, or breath any previously consumed alcohol or any controlled substance as defined in section 28-401. A permitholder does not violate this subsection if the controlled substance in his or her blood, urine, or breath was lawfully obtained and was taken in therapeutically prescribed amounts.

2. On page 8, line 23, after the comma insert "and section 15, Legislative Bill 454, Ninety-ninth Legislature, Second Session, 2006,".

3. Renumber the remaining section accordingly.

Senator Friend filed the following amendment to LB 1249:
AM3162

(Amendments to E & R amendments, AM7223)

1. Strike sections 12 and 15.

2. On page 1, line 22, strike "12" and insert "11".

3. On page 7, line 18, strike "(a)"; in line 19 strike "(b)"; in line 20 strike beginning with "county" in line 20 through "boundaries" in line 21 and insert "extraterritorial zoning jurisdiction".

4. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 500. Placed on Select File as amended.
(E & R amendment, AM7226, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 500A. Placed on Select File as amended.
E & R amendment to LB 500A:
AM7225

1. On page 1, line 3; and page 2, line 5, strike "First Session, 2005" and insert "Second Session, 2006".

2. On page 2, line 2, strike "FY2005-06" and insert "FY2006-07"; and in line 3 strike "FY2006-07" and insert "FY2007-08".

LEGISLATIVE BILL 1249. Placed on Select File as amended.
E & R amendment to LB 1249:
AM7223

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 13-2802, Revised Statutes Cumulative Supplement, 2004, is amended to read:

13-2802 Whenever creation of a municipal county is proposed involving a city of the metropolitan class, the interjurisdictional planning commission shall include in its plan a recommendation with regard to the territory within which any metropolitan utilities district shall have and may exercise the power of eminent domain pursuant to subsection (2) of section 14-2116. The plan shall further include a recommendation with regard to the territory which shall be deemed to be within the corporate boundary limits or extraterritorial zoning jurisdiction of a municipality or a municipality dissolved by the creation of the municipal county for purposes of ~~sections 57-1301 to 57-1307~~ the State Natural Gas Regulation Act. The question of creation of the municipal county shall not be submitted to a vote under section 13-2810 until a law adopting the provisions required by this section has been enacted.

Sec. 2. Section 66-1801, Reissue Revised Statutes of Nebraska, is amended to read:

66-1801 Sections 66-1801 to 66-1857 and sections 5 to 12 of this act shall be known and may be cited as the State Natural Gas Regulation Act.

Sec. 3. Section 66-1804, Reissue Revised Statutes of Nebraska, is amended to read:

66-1804 (1) The commission shall have full power, authority, and jurisdiction to regulate natural gas public utilities and may do all things necessary and convenient for the exercise of such power, authority, and jurisdiction. Except as provided in the Nebraska Natural Gas Pipeline Safety Act of 1969, and notwithstanding any other provision of law, such power, authority, and jurisdiction shall extend to, but not be limited to, all matters encompassed within the State Natural Gas Regulation Act. ~~and sections 57-1301 to 57-1307.~~

(2) The State Natural Gas Regulation Act and all grants of power, authority, and jurisdiction in the act made to the commission shall be liberally construed, and all incidental powers necessary to carry into effect the provisions of the act are expressly granted to and conferred upon the commission.

Sec. 4. Section 66-1852, Reissue Revised Statutes of Nebraska, is amended to read:

66-1852 (1) Except as ~~provided in sections 57-1301 to 57-1307 as those statutes govern jurisdictional utilities and metropolitan utilities districts~~ otherwise expressly authorized in the State Natural Gas Regulation Act, no person, public or private, shall extend duplicative or redundant natural gas mains or other natural gas services into any area which has existing natural gas utility infrastructure or where a contract has been entered into for the placement of natural gas utility infrastructure.

(2) ~~This~~ The prohibition in subsection (1) of this section shall not apply in any area in which two or more jurisdictional utilities share authority to provide natural gas within the same territory under franchises issued by the same city.

Sec. 5. Section 57-1301, Reissue Revised Statutes of Nebraska, is amended to read:

~~57-1301~~ Whenever any city ~~of the primary, first, or second class or village~~ is furnished natural gas pursuant to a franchise agreement with ~~an investor-owned natural gas~~ a jurisdictional utility, a metropolitan utilities district shall not solicit such city ~~or village~~ to enter into a franchise agreement or promote discontinuance of natural gas service with the utility~~,~~ unless a specific invitation to submit a proposal on such a franchise has been formally presented to the board of directors of the metropolitan utilities district. For purposes of this section, a specific invitation to submit a proposal ~~shall mean~~ means a resolution adopted by ~~a city council of a city of the primary, first, or second class or the board of trustees of a village~~ the governing body of the city.

Whenever a specific invitation to submit a proposal is received by the board of directors of a metropolitan utilities district, the invitation will be considered by the board at its next regularly scheduled monthly meeting.

Sec. 6. Section 57-1302, Reissue Revised Statutes of Nebraska, is amended to read:

~~57-1302~~ Sections ~~57-1303 to 57-1307~~ 5 to 11 of this act shall be applicable to ~~an investor-owned natural gas~~ a jurisdictional utility only when it is operating in a county in which there is located the natural gas service area, or portion of the natural gas service area, of a metropolitan utilities district and only with regard to matters arising within any such county. Within the limits of a municipal county, the provisions of sections ~~57-1301 to 57-1307~~ 5 to 11 of this act shall be applicable to the extent and in the manner provided by the Legislature as required by section 13-2802.

Sec. 7. Section 57-1303, Reissue Revised Statutes of Nebraska, is amended to read:

~~57-1303~~ No ~~investor-owned natural gas~~ jurisdictional utility or metropolitan utilities district may extend or enlarge

its natural gas service area or extend or enlarge its natural gas mains or natural gas services unless it is in the public interest to do so. In determining whether or not an extension or enlargement is in the public interest, the district or the utility shall consider the following:

(1) The economic feasibility of the extension or enlargement;

(2) The impact the enlargement will have on the existing and future natural gas ratepayers of the metropolitan utilities district or the ~~investor-owned natural gas~~ jurisdictional utility;

(3) Whether the extension or enlargement contributes to the orderly development of natural gas utility infrastructure;

(4) Whether the extension or enlargement will result in duplicative or redundant natural gas utility infrastructure; and

(5) Whether the extension or enlargement is applied in a nondiscriminatory manner.

Sec. 8. Section 57-1304, Reissue Revised Statutes of Nebraska, is amended to read:

~~57-1304~~ In determining whether an enlargement or extension of a natural gas service area, natural gas mains, or natural gas services is in the public interest pursuant to section ~~57-1303~~ 7 of this act, the following shall constitute rebuttable presumptions:

(1) Any enlargement or extension by a metropolitan utilities district within a city of the metropolitan class or its extraterritorial zoning jurisdiction is in the public interest;

(2) Any enlargement or extension by ~~an investor-owned natural gas~~ a jurisdictional utility within a city other than a city of the ~~primary, first, or second class or village~~ metropolitan class in which it serves natural gas on a franchise basis or its extraterritorial zoning jurisdiction is in the public interest; and

(3) Any enlargement or extension by a metropolitan utilities district within its statutory boundary or within a city ~~of the first or second class or village~~ other than a city of the metropolitan or primary class in which it serves natural gas on a franchise basis or its extraterritorial zoning jurisdiction is in the public interest.

Any enlargement or extension by a metropolitan utilities district within the boundaries of a city of the metropolitan class involving the exercise of the power of eminent domain pursuant to subsection (2) of section 14-2116 shall, by reason of such exercise, be conclusively determined to be in the public interest.

Sec. 9. Section 57-1305, Reissue Revised Statutes of Nebraska, is amended to read:

~~57-1305~~ A metropolitan utilities district or ~~investor-owned natural gas~~ jurisdictional utility shall not extend duplicative or redundant interior natural gas mains or natural gas services into a subdivision, whether residential, commercial, or industrial, which has existing natural gas utility

infrastructure or which has contracted for natural gas utility infrastructure with another utility.

Sec. 10. Section 57-1306, Reissue Revised Statutes of Nebraska, is amended to read:

~~57-1306 If the investor-owned natural gas~~ (1) Except as provided in subsections (2) and (3) of this section, no jurisdictional utility or ~~the~~ metropolitan utilities district ~~disagrees with a determination by an investor-owned natural gas utility or a metropolitan utilities district that a~~ proposing to extend or enlarge its natural gas service area or extend or enlarge its natural gas mains or natural gas services after the effective date of this act shall undertake or pursue such extension or enlargement until the proposal has been submitted to the commission for its determination that the proposed extension or enlargement is in the public interest. Any proposal for extension or enlargement shall be filed with the commission, and the commission shall promptly make such application public in such manner as the commission deems appropriate. The commission shall schedule the matter ~~, the matter may be submitted to the Public Service Commission~~ for hearing and determination in the county where the extension or enlargement is proposed, and the matter shall be subject to the applicable procedures provided in the State Natural Gas Regulation Act and sections 75-112, 75-129, and 75-134 to 75-136. In making a determination whether a proposed extension or enlargement is in the public interest, the commission shall consider the factors set forth in sections 7 and 8 of this act. ~~57-1303 and 57-1304. The commission shall have no jurisdiction over a metropolitan utilities district or natural gas utility beyond the determination of disputes brought before it under sections 57-1301 to 57-1307.~~ Ratepayers of the ~~investor-owned natural gas~~ jurisdictional utility or the metropolitan utilities district shall have the right to appear and present testimony before the commission on any matter submitted to the commission under sections ~~57-1301 to 57-1307~~ 5 to 11 of this act and shall have such testimony considered by the commission in arriving at its determination.

(2) If any metropolitan utilities district proposes to extend or enlarge its system (a) within the corporate boundaries of the city of the metropolitan class it serves or (b) within the boundaries of the county in which such city is located and within three miles of the corporate boundaries of such city, the metropolitan utilities district may pursue such extension or enlargement without the need for commission approval or the requirement to file and request permission to pursue such extension or enlargement.

(3) If no person or entity has filed with the commission a protest alleging that the proposed extension or enlargement is not in the public interest within fifteen business days after the date upon which the application was made public, the enlargement

or extension shall be conclusively presumed to be in the public interest and the jurisdictional utility or metropolitan utilities district may proceed with the extension or enlargement without further commission action.

Sec. 11. Section 57-1307, Reissue Revised Statutes of Nebraska, is amended to read:

~~57-1307~~ All books, records, vouchers, papers, contracts, engineering designs, and any other data of the metropolitan utilities district relating to the public interest of an extension or enlargement of natural gas mains or natural gas services or relating to natural gas service areas, whether in written or electronic form, shall be open and made available for public inspection, investigation, comment, or protest upon reasonable request during business hours, except that such books, records, vouchers, papers, contracts, designs, and other data shall be subject to section 84-712.05. Any books, records, vouchers, papers, contracts, designs, or other data not made available to the metropolitan utilities district or ~~an investor-owned natural gas~~ jurisdictional utility with regard to a proceeding before the commission regarding matters arising pursuant to sections 5 to 11 of this act shall not be considered by the ~~Public Service Commission~~ commission in determining whether an enlargement or extension is in the public interest.

Sec. 12. Nothing in the State Natural Gas Regulation Act shall be construed as interfering with or restricting the right of a city owning, maintaining, and operating a natural gas distribution system from exercising its exclusive authority to serve natural gas customers within its corporate boundaries as such boundaries are established by its governing body pursuant to state law. The commission shall, in conformity with the provisions of the State Natural Gas Regulation Act, cooperate with cities extending their boundaries and modify the exclusive service territories of jurisdictional utilities or metropolitan utilities districts as city boundaries are extended by annexation and condemnation proceedings that, pursuant to sections 76-701 to 76-724, acquire those portions of a jurisdictional utility's system serving the annexed area. Jurisdictional utilities shall be subject to commission orders issued in conformity with this section.

Sec. 13. Section 75-109.01, Reissue Revised Statutes of Nebraska, is amended to read:

75-109.01 Except as otherwise specifically provided by law, the Public Service Commission shall have jurisdiction, as prescribed, over the following subjects:

(1) Common carriers, generally, pursuant to sections 75-101 to 75-158;

(2) Grain pursuant to the Grain Dealer Act and the Grain Warehouse Act and sections 89-1,104 to 89-1,108;

(3) Manufactured homes and recreational vehicles pursuant to the Uniform Standard Code for Manufactured Homes and

Recreational Vehicles;

(4) Modular housing units pursuant to the Nebraska Uniform Standards for Modular Housing Units Act;

(5) Motor carrier registration and safety pursuant to sections 75-301 to 75-322, 75-369.03, 75-370, 75-371, 75-383, and 75-384;

(6) Pipeline carriers and rights-of-way pursuant to the State Natural Gas Regulation Act and sections ~~57-1301 to 57-1307 and~~ 75-501 to 75-503;

(7) Railroad carrier safety pursuant to sections 74-918, 74-919, 74-1323, and 75-401 to 75-430;

(8) Telecommunications carriers pursuant to the Automatic Dialing-Announcing Devices Act, the Emergency Telephone Communications Systems Act, the Enhanced Wireless 911 Services Act, the Intrastate Pay-Per-Call Regulation Act, the Nebraska Telecommunications Regulation Act, the Nebraska Telecommunications Universal Service Fund Act, the Telecommunications Relay System Act, the Telephone Consumer Slamming Prevention Act, and sections 86-574 to 86-580;

(9) Transmission lines and rights-of-way pursuant to sections 70-301 and 75-702 to 75-724;

(10) Water service pursuant to the Water Service Regulation Act; and

(11) Jurisdictional utilities governed by the State Natural Gas Regulation Act. If the provisions of Chapter 75 are inconsistent with the provisions of the State Natural Gas Regulation Act, the provisions of the State Natural Gas Regulation Act control.

Sec. 14. Original sections 57-1301, 57-1302, 57-1303, 57-1304, 57-1305, 57-1306, 57-1307, 66-1801, 66-1804, 66-1852, and 75-109.01, Reissue Revised Statutes of Nebraska, and section 13-2802, Revised Statutes Cumulative Supplement, 2004, are repealed.

Sec. 15. Since an emergency exists, this act takes effect when passed and approved according to law.

2. On page 1, line 7, after the last semicolon insert "to harmonize provisions;".

(Signed) Michael Flood, Chairperson

VISITORS

Visitors to the Chamber were Linda Miller from Seward; 8 twelfth-grade students and teacher from Sterling; 35 fourth-grade students and teachers from Chapman; Rosie Matlock from Thayer, Ellie Westwood from York, and Shirley Hartford, Tara Keenan-Randall, and Diane Palm from Central City; 100 fourth-grade students and teachers from St. Pius Elementary School, Omaha; 15 fourth- and sixth-grade students and teachers from Sword of the Spirit School, Omaha; 36 fourth-grade students and teachers

from Hartman Elementary School, Omaha; and Senator Beutler's parents, Dorothy and Jack Beutler, from Lincoln.

RECESS

At 12:03 p.m., on a motion by Senator D. Pederson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Brashear, Combs, Cunningham, Louden, Schimek, Synowiecki, and Thompson who were excused until they arrive.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: LB 1148.

(Signed) Michael Flood, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 448. Introduced by Johnson, 37.

WHEREAS, Matthew D. Hansen, of Kearney, earned the Boy Scouts' highest honor and rank of Eagle Scout and will be awarded the Eagle Award on Sunday, April 30, 2006; and

WHEREAS, to earn the rank of Eagle Scout, the highest advancement rank in scouting, Matthew fulfilled requirements in the areas of leadership, service, and outdoor skills, and passed through the ranks of Tenderfoot, Second Class, First Class, Star, and Life; and

WHEREAS, to achieve the rank of Eagle Scout, Matthew earned twenty-one merit badges, twelve in required areas, and completed a community service project approved by the troop and scout council; and

WHEREAS, only two percent of all young men who join the Boy Scouts of America attain the rank of Eagle Scout; and

WHEREAS, Matthew D. Hansen has achieved great success as an exemplary member of the scouting program and has represented his troop and community with excellence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Matthew D. Hansen on his achievement of the elite rank of Eagle Scout in the Boy Scouts and recognizes his outstanding community service efforts in Kearney.
2. That a copy of this resolution be sent to Matthew D. Hansen and his family.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1039. Title read. Considered.

The Standing Committee amendment, AM2309, found on page 683, was adopted with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE RESOLUTION 272CA. Read. Considered.

The Standing Committee amendment, AM2184, found on page 608, was considered.

Senator Connealy withdrew his pending amendment, AM3101, found on page 1486.

Senator Connealy renewed his pending amendment, AM3147, found on page 1526, to the Standing Committee amendment.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Connealy amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

WITHDRAW - Motion to LB 57

Senator Landis withdrew his pending motion, found on page 1343, to return LB 57 to Select File for his specific pending amendment, AM2989.

WITHDRAW - Amendment to LB 57

Senator Landis withdrew the Landis-Foley pending amendment, AM3134, found on page 1495, to LB 57.

MOTION - Return LB 57 to Select File

Senators Landis and Foley moved to return LB 57 to Select File for the following specific amendment:
AM3170

(Amendments to Final Reading copy)

1. Insert the following new sections:

Sec. 8. Assault on a pregnant woman and assault on her unborn child shall be considered as separate acts or conduct for purposes of prosecution.

Sec. 9. (1) Any person who commits any of the following criminal offenses against a pregnant woman shall be punished by the imposition of the next higher penalty classification than the penalty classification prescribed for the criminal offense, unless such criminal offense is already punishable as a Class IB felony or higher classification: Assault in the first degree, section 28-308; assault in the second degree, section 28-309; assault in the third degree, section 28-310; sexual assault in the first degree, section 28-319; sexual assault in the second or third degree, section 28-320; sexual assault of a child in the second or third degree, section 28-320.01; sexual abuse of an inmate or parolee in the first degree, section 28-322.01; sexual abuse of an inmate or parolee in the second degree, section 28-322.03; sexual abuse of a protected individual in the first or second degree, section 28-322.04; domestic assault in the first, second, or third degree, section 28-323; assault on an officer in the first degree, section 28-929; assault on an officer in the second degree, section 28-930; assault on an officer in the third degree, section 28-931; assault on an officer using a motor vehicle, section 28-931.01; assault on a confined person, section 28-933; proximately causing serious bodily injury while operating a motor vehicle, section 60-6,198; and sexual assault of a child in the first degree, section 6, Legislative Bill 1199, Ninety-ninth Legislature, Second Session, 2006.

(2) The prosecution shall allege and prove beyond a reasonable doubt that the victim was pregnant at the time of the offense.

2. On page 1, line 4, after the first semicolon insert "to enhance penalties for assault;".

3. On page 2, line 3, strike "7" and insert "9"; in line 6 strike "7" and insert "8"; in lines 12, 17, and 23 after "she" insert ", during the commission of any criminal assault on a pregnant woman,"; and in lines 13, 18, and 24 strike "an" and insert "her".

4. On page 3, line 14, after "child" insert "of a pregnant woman"; and after line 25 insert the following new subsection:

"(3) For the purposes of this section, unborn child shall have the same meaning as in section 3 of this act.".

5. Renumber the remaining sections accordingly.

The Landis-Foley motion to return prevailed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 57. The Landis-Foley specific amendment, AM3170, found in this day's Journal, was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

GENERAL FILE

LEGISLATIVE BILL 1248. The Standing Committee amendment, AM2831, printed separately and referred to on page 1139 and considered on page 1397, as amended, was renewed.

Senator Beutler withdrew his pending amendment, AM3035, found on page 1406.

Senator Cunningham withdrew his pending amendment, AM3006, found on page 1410.

Senator Beutler withdrew his pending amendment, FA668, found on page 1410.

Senator Chambers withdrew his pending amendment, FA669, found on page 1410.

Senator Jensen withdrew his pending amendment, AM3146, found on page 1527.

Senator Jensen offered the following amendment to the Standing Committee amendment:

AM3182

(Amendments to Standing Committee amendments, AM2831)

1. On page 2, line 2, after "assistance" insert "alone"; in line 3 after "meet" insert "all of"; and in line 6 strike "and priorities".

2. On page 20, line 9, strike "and" and insert an underscored comma; and in line 27 strike "effectively address the health care and".

3. On page 21, strike beginning with line 1 through "reforms" in line 3 and insert "implement reforms to the medical assistance program".

The Jensen amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Senator Jensen offered the following amendment to the Standing Committee amendment:
AM3193
(Amendments to Standing Committee amendments, AM2831)

1. On page 6, line 17, strike "committee" and insert "Legislature"; in line 22 strike "committee or the"; and strike beginning with "committee" in line 25 through "the" in line 26.

2. On page 7, line 4, strike "committee or the"; strike beginning with "The" in line 5 through "(5)" in line 14; and in line 15 strike "annually" and insert "biennially".

3. On page 13, line 22, strike ", prioritizing,".

4. On page 14, after line 11 insert the following new subsection:

"(4) Except as otherwise provided in this subsection, proposed rules and regulations under this section relating to the establishment of premiums, copayments, or deductibles for eligible recipients or limits on the amount, duration, or scope of covered services for eligible recipients shall not become effective until the conclusion of the earliest regular session of the Legislature in which there has been a reasonable opportunity for legislative consideration of such rules and regulations. This subsection does not apply to rules and regulations that are (a) required by federal or state law, (b) related to a waiver in which recipient participation is voluntary, or (c) proposed due to a loss of federal matching funds relating to a particular covered service or eligibility category. Legislative consideration includes, but is not limited to, the introduction of a legislative bill, a legislative resolution, or an amendment to pending legislation relating to such rules and regulations.".

The Jensen amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1248A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 554. Senator Redfield withdrew the Redfield-Beutler pending amendment, AM3093, found on page 1485.

Senators Redfield and Beutler offered the following amendment:
AM3168

1. In the Standing Committee amendments, AM0670:

a. On page 1, line 7, after "employees" insert "who are seventeen years of age or older"; in line 18 strike "persons", show as stricken, and insert "employees who are seventeen years of age or older"; and in line 21 reinstate the stricken matter and before "fifty" insert "through September 30, 2006, and thereafter";

b. On page 2, line 3, strike "individual", show as stricken, and insert "employee"; and

c. On page 3, line 5, after "wage" insert "or hire an employee under seventeen years of age"; and in line 12 after "wage" insert "or a new employee under seventeen years of age".

2. In AM2516, on page 1, line 9, strike "forty-six" and insert "twenty-six".

SENATOR BAKER PRESIDING

Senator Smith offered the following amendment to the Redfield-Beutler pending amendment:
FA685

Amendment to AM3168

P. 1, line 3, 4 and 10 strike "seventeen" and replace with "nineteen"

SENATOR CUDABACK PRESIDING

Senator Beutler moved the previous question. The question is, "Shall the debate now close?"

Senator Beutler moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Smith withdrew his amendment.

The Chair declared the call raised.

SPEAKER BRASHEAR PRESIDING

Senator Beutler offered the following motion:
Invoke cloture on LB 554, pursuant to Rule 7, Section 10.

The Chair ruled a full and fair debate had not been afforded, pursuant to Rule 7, Section 10, and therefore the motion for cloture is out of order.

Pending.

AMENDMENTS - Print in Journal

Senator Howard filed the following amendment to LB 500:
AM3137

(Amendments to E & R amendments, AM7226)

1. On page 5, line 8, after "facilities" insert "that are provided free to the public"; and in line 13 after "project" insert ". Development project costs does not include property taxes incurred by a company that locates within a development project area, any type of lobbying expense, or the development, construction, or operation of any type of parking facility that requires the public to pay a fee".

2. On page 8, line 11, after "stadiums" insert "that provide at a minimum one free parking space for each four seats in the stadium".

3. On page 24, line 25, after the period insert "The contracting public body may not pledge any portion of the financial assistance received under this section for the construction, development, or operation of a parking facility that requires the public to pay any type of fee for its use.".

Senator Fischer filed the following amendment to LB 500:
AM3136

(Amendments to E & R amendments, AM7226)

1. On page 2, line 6, after the semicolon insert "and"; and strike beginning with the semicolon in line 15 through "exercised" in line 18.

Senator Jensen filed the following amendment to LB 1248:
AM2913

1. Insert the following new section:

Sec. 70. Section 71-3305, Reissue Revised Statutes of Nebraska, is amended to read:

71-3305 ~~(1)~~ Except as otherwise provided in ~~subsection (2) of~~ this section, any political subdivision as defined in section 13-702, other than a village, that provides the water supply ~~of any city or village~~ for human consumption for any city shall add fluoride to such water supply in the amount and manner prescribed by the rules and regulations of the Department of Health and Human Services Regulation and Licensure. In any such city in which fluoride is not added to the water supply on the effective date of this act, the voters may, after the effective date of this act but before January 1, 2009, adopt an ordinance by

initiative under sections 18-2501 to 18-2538 to prohibit the adding of fluoride to its water supply.

~~(2) Fluoride shall not be added to the water supply of any city or village in which the voters have, after September 2, 1973, adopted an ordinance by initiative prohibiting the adding of fluoride to its water supply. The procedure for the adoption of any such ordinance shall be that provided in sections 18-2501 to 18-2536. No such ordinance may be adopted in a city or village receiving, or which has contracted to receive, its water supply, or any part thereof, from another political subdivision, or public or private entity, which adds fluoride to its water supply in compliance with subsection (1) of this section, or section 71-3306, or which has available only purchased fluoridated water with which to supply such city or village.~~

2. Correct the operative date section and repealer so that the sections added by this amendment become operative three calendar months after adjournment of this legislative session.

3. Correct internal references and renumber the remaining sections accordingly.

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 808e, 819, 856, 856A, 898, 904, 956, 956A, 962, 962A, 994e, 1010, 1038, 1107, 1189e, 1189A, 85, 85A, 366, 542e, 542Ae, 605e, 605Ae, 690, 690A, 746, 746A, 795e, 817, 817Ae, 872, 872A, 990, 990A, 996, 996A, 1086, 1086A, 1208, 1208A, and LR 259CA.

(Signed) Abbie Cornett

STANDING COMMITTEE REPORTS
Agriculture

LEGISLATIVE RESOLUTION 441. Reported to the Legislature for further consideration.

(Signed) Bob Kremer, Chairperson

Education

LEGISLATIVE BILL 627. Placed on General File as amended.
Standing Committee amendment to LB 627:
AM3180

1. Strike the original section and insert the following new section:

Section 1. (1) The Legislature finds and declares that:

(a) Bullying or harassing conduct disrupts a school's ability to educate students; and

(b) Bullying or harassing conduct threatens public safety

by creating an atmosphere in which such behavior can escalate into violence.

(2) For purposes of this section, bullying or harassing conduct includes any written or verbal expression, physical act, or gesture or a pattern thereof that is intended to cause distress upon one or more students in a school, on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose by a school employee or his or her designee, at a designated school bus stop, or at school-sponsored activities or school-sponsored athletic events.

(3) On or before July 1, 2006, the school board of each school district shall develop and adopt a policy concerning bullying or harassment prevention and education, stating the strategies the district will use to create an environment free from bullying or harassment. The policy shall take into account the frequency and the severity of such bullying or harassing behavior. The policy shall include, but not be limited to, (a) complaint procedures for victims of bullying or harassment and staff responsibility in bullying or harassment complaints, (b) specific sanctions for perpetrators of bullying or harassment, (c) conspicuous posting of the policy throughout each building of the district, placement of the policy in each student handbook on school policies, and (d) other strategies for annually notifying students, parents, and employees of the policy adopted under this section.

(4) The policy required by this section shall be developed with input from parents, teachers, students, administrators, and the community at large and shall be the subject of a public hearing before the school board prior to adoption. The policy shall be reviewed annually and either altered and adopted as altered or reaffirmed by the board following a public hearing.

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Steven E. Titus - Nebraska Educational Telecommunications Commission

VOTE: Aye: Senators Howard, Kopplin, Raikes, Schrock, and Stuhr. Nay: Senator Bourne. Absent: Senators Byars and McDonald.

(Signed) Ron Raikes, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills and resolution were correctly engrossed: LBs 79, 965,

965A, and LR 274CA.

ER9103

Enrollment and Review Change to LB 965

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, lines 4 and 5 have been struck and "credit; to establish the Long-Term Care Partnership Program; to provide duties; to repeal the Long-Term Care Partnership Program Development Act; to harmonize provisions; to provide operative dates; to repeal the original section; and to outright repeal sections 68-1095, 68-1096, 68-1097, 68-1098, and 68-1099, Revised Statutes Supplement, 2005." inserted.

(Signed) Michael Flood, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 449. Introduced by: Chambers, 11; Beutler, 28; McDonald, 41; Stuthman, 22; Thompson, 14.

Adopting Articles of Impeachment

Resolution Adopting Articles of Impeachment
Ninety-Ninth Legislature, Second Session, State of Nebraska

Nebraska Legislature on behalf of the State of Nebraska
v.
C. David Hergert,
Regent, University of Nebraska

Legislative Findings

The Legislature Finds:

1. C. David Hergert is a civil officer of this State and, as such, is liable to impeachment for any misdemeanor in office. *Neb Const* Art IV, § 5. C. David Hergert was elected to the University of Nebraska Board of Regents on November 2, 2004, to represent District 7, and he continues to hold the office of University Regent.

2. The Legislature has "the sole power of impeachment by a majority of its members." *Neb Const* Art III, § 17. Impeachment occurs by adoption of a Resolution adopting Articles of Impeachment. Trial occurs thereafter before the Nebraska Supreme Court.

3. Clear and convincing evidence exists to establish that C. David Hergert committed each, and all of the impeachable offenses identified in the Articles of Impeachment in this Resolution. Each of these offenses is an impeachable offense because each is an offense "in its nature or consequences subversive of some fundamental or essential principle of government, or highly prejudicial to the public interest, and this may consist of a violation of the Constitution, of law, of an official oath, or of duty by an act committed or omitted, or without violating a positive law by the abuse of

discretionary powers for improper motives or for an improper purpose." *State v. Douglas*, 217 Neb 199, 202, 349 NW2d 870, 875 (1984).

4. The integrity of democratic government in Nebraska rests upon honest and honorable obedience to Nebraska's election laws and other laws by candidates for office. The Legislature previously found, and now reaffirms that "there is a compelling state interest in preserving the integrity of the electoral process in state elections by ensuring that these elections are free from corruption and the appearance of corruption and that this end can be achieved if … the sources of funding and the use of that funding in campaigns are fully disclosed." *Neb Rev Stat* § 32-1602(2); *Neb Rev Stat* § 49-1402(2).

5. The People of Nebraska have determined that only persons elected lawfully, following fair, legally conducted campaigns, may serve as civil officers of this State. This determination is expressed in the State's Constitution; it prescribes a mandatory oath of office which requires one who prevails in an election for the office of University Regent to swear or affirm that he or she has "not improperly influenced in any way the vote of any elector…." *Neb Const* Art XV § 1. This Legislature has an obligation, in matters of impeachment, to protect, defend and preserve the credibility of this Constitutional Oath. C. David Hergert swore this oath, but he did so falsely.

6. A Constitutional officer is bound by the Oath of Office to comply with both Federal and State law, *Neb Const* Art XV, § 1.

7. Candidates who are not incumbents seeking election as a civil officer, owe the public the same duty to avoid corruption, illegality, and fraud as does an incumbent civil officer seeking re-election to a public office in Nebraska. C. David Hergert was not an incumbent seeking re-election in 2004.

8. C. David Hergert may not be lawfully elected to office, or serve, after committing violations of Nebraska's election laws so flagrant as to subvert fundamental and essential principles of government or be highly prejudicial to the public interest. To permit an official misdemeanant to hold office would improperly provide a model of behavior and conduct that would, if emulated by University students or others, foster and encourage fraud, cheating, lying, plagiarism, false pretense, or other acts and omissions subversive of the daily educational processes and integrity of the University, and the laws of the State of Nebraska.

9. Clear and convincing evidence persuades the Legislature that C. David Hergert violated Nebraska's laws and did so by committing misdemeanors in office, including acts or omissions affecting his service as a University Regent. C. David Hergert's offending conduct is so inimical to his duties as to render him unfit to hold office. Clear and convincing evidence persuades the Legislature that C. David Hergert's acts and omissions, including violation of his oath of office, relate to his official duties because the People of Nebraska constitutionally prescribe that the governance of the University of Nebraska shall be vested in a Board of Regents elected from Districts, in a manner prescribed by the Legislature. *Neb Const* Art VII § 10. The Legislature prescribed that candidates for the office of University Regent must conduct their campaigns by complying

with Nebraska's election and election accountability and disclosure laws. *Neb Rev Stat* §§ 32-1601 *et seq.* and 49-1401 *et seq.*

10. Clear and convincing evidence persuades the Legislature that C. David Hergert's acts and conduct committed during and after the 2004 primary and general election campaigns for the office of University Regent involved official misconduct, false oaths, election fraud, false statements, false reports, and obstructions of government operations. As a result, Hergert's election is tainted. He entered office under false pretense, held office while continuing to commit more violations of law, and his conduct constitutes obstruction of the general governance of the University, and of the State of Nebraska.

11. Clear and convincing evidence persuades the Legislature that Hergert perpetrated his election campaign misconduct by filing a false, deceptive report with the Commission on January 11, 2005, after he took the oath of office and became a University Regent. By doing so, he falsely reaffirmed his previous false, deceptive, untimely, and unlawful filings with the Commission, and falsely reported more information. This official misconduct is inconsistent with the duty of a University Regent to obey the law, including election and accountability laws, while in office. It constitutes unlawful acts and violations of *Neb Rev Stat* §§ 28-924, 49-14,134, and 28-915.01, and obstructed operations of the Nebraska Accountability and Disclosure Commission and the State of Nebraska contrary to *Neb Rev Stat* § 28-901.

12. Clear and convincing evidence persuades the Legislature that C. David Hergert used the United States Postal Service, or private or commercial interstate carriers, to transport false reports, affidavits, and submissions to the Commission for the purpose of accomplishing a scheme or artifice to defraud the Commission and the electors concerning Hergert's campaign and its finances, expenditures, and borrowings during the course of, and after the conclusion of, his 2004 primary and general election campaigns for the office of University Regent. These unlawful uses of the mail, or private or commercial interstate carriers, occurred during the primary and general election processes, and again after Hergert took office. These acts and omissions constitute violations of 18 *USC* §§ 1341 and 1346, prohibiting the use of the mail to effectuate any scheme or artifice to defraud, including his artifices and schemes to abuse public records contrary to *Neb Rev Stat* § 28-911, falsely report and conceal actual campaign loans and expenditures, and to commit election fraud contrary to *Neb Rev Stat* §§ 32-1601 *et seq.* and 49-1401 *et seq.*

13. Clear and convincing evidence persuades the Legislature that C. David Hergert knowingly and intentionally concealed, deceived and misrepresented material facts during his interview of October 8, 2005, conducted by Donald W Kleine, Chief Prosecutor, Nebraska Attorney General's Office, and Lieutenant Mark Funkhouser, Nebraska State Patrol. By doing so, Hergert violated either or all of the following Nebraska statutes: *Neb Rev Stat* §§ 28-901, 28-907 and 28-924.

Acts Constituting Impeachable Offenses
On or After January 6, 2005

Article I
False Oath of Office (Neb Const Art XV, § 1)

1. On or about January 6, 2005, following the general election of November 2, 2004, C. David Hergert ("Hergert"), having been certified as the candidate who won the general election for the position of the University of Nebraska Board of Regents ("University Regent") for District 7 as established by the Nebraska Legislature, falsely swore the following oath:

> "I, C. David Hergert, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of member of the Board of Regents of the University of Nebraska according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector…"

A Constitutional officer is bound by the Oath of Office to comply with both Federal and State law, *Neb Const* Art XV, § 1.

2. Nebraska Const Art XV, §1, requires the foregoing oath be sworn truthfully. C. David Hergert's foregoing oath was materially false because he made false and misleading filings with the Nebraska Accountability and Disclosure Commission ("Commission" or "NADC") during the election process on one or more of these occasions, each, any, and all, of which improperly influenced electors:

2.1 Hergert filed a false NADC Form CFLA-7, Candidate's Forty Percent Affidavit, on November 3, 2004. The form contained false, deceptively late, and misleading information.

2.2 Hergert failed to timely file a Forty Percent Affidavit on multiple occasions, including, but not limited to:

2.2.1 April 21, 2004, after the candidate was reminded by a letter from the Commission, of the filing requirement.

2.2.2 May 3, 2004.

2.2.3 May 5, 2004.

2.2.4 Within five (5) days of September 7, 2004, when Hergert was specifically notified by letter from the Commission that failure to timely file the required Forty Percent Affidavit renders the offending candidate subject to criminal prosecution.

2.2.5 Early October, 2004, when the Jackson-Alvarez Group expended funds on the Hergert campaign for which repayment was expected, and again within five (5) days of October 17, 2004, when Scott Cottington, Inc., invoiced Hergert for funds expended earlier which Scott Cottington, Inc., expected to be paid.

2.2.6 October 20 and October 22, 2004, when Scott Cottington, Inc., was paid by Hergert with insufficient funds check number 1043 for $36,000, and October 22, 2004, when Hergert's insufficient fund check to Scott Cottington, Inc., was cleared and paid by the drawer bank.

2.2.7 October 21, 2004, when a $65,000 line of credit was extended to Hergert who executed a Promissory Note for the funds, and on or about October 26 or 28, 2004, when an advance of approximately $44,000 was made as a loan to Hergert's campaign, which loan should have been, but was not, reported within two (2) days as required by *Neb Rev Stat* § 49-1415, defining contributions to include loans, and *Neb Rev Stat* § 49-14,134.

2.3 Hergert filed a false candidate's Forty Percent Affidavit (NADC Form CFLA-7) on November 12, 2004.

2.4 Hergert filed false campaign statements using NADC Form B-1 on multiple occasions when he failed to properly record and report campaign expenditures including, but not limited to, expenditures for one or more of the following persons or organizations, expecting reimbursement from Hergert or his campaign, on behalf of his campaign:

The Jackson-Alvarez Group;
Majority Strategies; and
Scott Cottington, Inc.

2.5 Hergert otherwise filed false, deceptive, misleading, or tardy reports with the Commission on some or all of these dates in 2004: April 22, May 3, May 12, November 3, November 12.

2.6 Hergert otherwise filed false, deceptive, misleading, or tardy reports with the Commission.

2.7 Hergert failed to report late contributions as required by *Neb Rev Stat* § 49-1458.

2.8 Hergert violated *Neb Rev Stat* § 49-1446.04 because he, or his Committee, accepted loans in an aggregate amount of more than fifty percent (50%) of the contributions of money or did not timely, truthfully report them.

2.9 Hergert used the United States mail, or public or private carriers, to transport his false filings from Scottsbluff, Nebraska or other locations to the Commission, contrary to 18 *USC* §§ 1341 and 1346.

3. These acts and omissions were calculated to, and did, influence and deceive voters, the media, election watch groups, and the Commission. These acts and omissions created false impressions about Hergert, his campaign and finances, and prevented or delayed release of public campaign finance funds to his general election opponent. Delay in the release of these funds prevented Hergert's general election opponent from fully developing or disseminating his campaign, qualifications, platform, and reasons for seeking the office of University Regent. Electors were deprived of information, deceived, and improperly influenced as a result.

4. Hergert's actions were related, but inimical, to his duties in office, subversive of fundamental and essential principles of government, and were highly prejudicial to the public interest.

Article II
Mail Fraud (18 *USC* §§ 1341 and 1346)

1. A Constitutional officer is bound by the Oath of Office to comply with both Federal and State law, *Neb Const* Art XV, § 1.

2. On or shortly before January 9, 2005, C. David Hergert caused to be deposited in the United States mail, or with an interstate public or private carrier, an envelope directed to the Commission, containing for filing, his Campaign Statement filed with the Commission on January 11, 2005. This item was received by the Commission from Federal Express, a public or private interstate carrier. The January 11, 2005 Campaign Statement contained false, fraudulent, representations, pretenses, or promises intended to constitute a part of Hergert's scheme or artifice to defraud the Commission, and the electors. By reason of these acts and omissions, Hergert violated 18 *USC* § 1341, defining, and prohibiting, use of the U.S. Postal Service, or private or commercial interstate carriers, to carry out or effectuate any scheme or artifice to defraud. Hergert thereby engaged in a scheme or artifice to deprive another of the intangible right of honest services contrary to 18 *USC* § 1346.

3. This conduct by Hergert perpetuated a pattern of mail fraud activity that occurred during and after the primary and general election campaigns and before January 6, 2005, including Hergert's deposits of false or deceptive documents for filing with the Commission in the United States mail, or an interstate public or private carrier, on or about one or more of these dates in 2004:

3.1 April 20 for an April 22 filing.
3.2 April 29 for a May 3 filing.
3.3 May 10 for a May 12 filing.
3.4 An unspecified date for a mailing made with a "neopost" device for a November 3 filing.
3.5 November 1 for a separate November 3 filing.
3.6 November 10 or 11 by Federal Express parcel 6880074 for a November 12 filing.

4. Some, each or all of these acts constituted part of a scheme and artifice to defraud the Commission and electors and to commit election fraud. These acts are contrary to 18 *USC* § 1341. Hergert engaged in a scheme or artifice to deprive another of the intangible right of honest services contrary to 18 *USC* § 1346 by these acts. Hergert's January 11, 2005 filing was designed to, and did, fraudulently conceal his scheme to improperly influence electors during the 2004 election campaign.

5. Hergert's actions were related, but inimical, to his duties in office, subversive of fundamental and essential principles of government, and were highly prejudicial to the public interest.

Article III
False Reporting (*Neb Rev Stat* § 28-907)

1. During the final calendar quarter of 2004, the Commission initiated one or more investigations of C. David Hergert after receiving two complaints from citizens and initiating an internal complaint within the Commission. The Commission is empowered by law to conduct criminal investigations and has concurrent jurisdiction with the Attorney General to prosecute election crimes as provided by *Neb Rev Stat* § 49-14,126. Hergert

was informed of the investigations and entered into a series of submissions of information and communications with the Commission about the matters under investigation.

2. Thereafter, Hergert prepared or caused to be prepared, signed, and filed on January 11, 2005 his Campaign Statement. This Campaign Statement contained false, deceptive and misleading entries and information including, but not limited to, false reporting of the date when Hergert or his campaign incurred an expenditure of a reported $13,272.66 to the Jackson-Alvarez Group, McLean, Virginia. Hergert reported to the Commission, and citizens of the State, that this expenditure was incurred December 14, 2004; however, the expenditure actually commenced to be incurred no later than October 5, 2004, when Hergert's political consultants confirmed prior requests for public records from the University of Nebraska by giving University officials a Federal Express number to be used to transport the requested information.

3. Hergert's January 11, 2005 Campaign Statement contained material information Hergert knew to be false. Hergert knowingly furnished this materially false information to the Commission with the intent to impede the investigation of an actual criminal matter contrary to *Neb Rev Stat* § 28-907.

4. Hergert's actions were related, but inimical, to his duties in office, subversive of fundamental and essential principles of government, and were highly prejudicial to the public interest.

Article IV
False Reporting (*Neb Rev Stat* § 28-907)

1. Nebraska law enforcement initiated an investigation of C. David Hergert and his Campaign for Election as a University Regent prior to October 8, 2005. On October 8, 2005, Chief Criminal Prosecutor Donald W. Kleine and Nebraska State Patrol Lieutenant Mark Funkhouser conducted a recorded interview of Hergert.

2. During the October 8, 2005, interview, Hergert falsely reported concerning (a) his awareness of campaign expenditures, (b) when they were incurred, (c) how campaign loans were arranged and funds were advanced, and (d) why prior reports made to the Commission failed to report truthfully the date(s) when expenses were actually incurred or loan funds were actually arranged or advanced to the campaign, to or by, the Jackson-Alvarez Group, McLean, Virginia, Majority Strategies, Columbus, Ohio, Scott Cottington, Inc., Bloomington, Minnesota, and/or Valley Bank & Trust Co., Scottsbluff, Nebraska.

3. Hergert further falsely reported on October 8, 2005, that he found, inadvertently misfiled in a "chicory plant file," a Commission NADC Form CFLA-7 "Forty Percent Affidavit." This report contradicts Hergert's signed November 10, 2004, letter to the Commission in which he reported the "Forty Percent Affidavit was mailed to your office on October 29."

4. Hergert's October 8, 2005, recorded statement contained material information given to a peace officer and another official, and constituted representations Hergert knew to be false. This information was furnished by Hergert to Commission officials with the intent to impede the investigation of an actual criminal matter contrary to *Neb Rev Stat* § 28-907.

5. Hergert's actions were related, but inimical, to his duties in office, subversive of fundamental and essential principles of government, and were highly prejudicial to the public interest.

Article V

Obstructing Government Operations (*Neb Rev Stat §* 28-901)

1. During the final calendar quarter of 2004, the Commission initiated one or more investigations of C. David Hergert after receiving two complaints from citizens and opening an internal inquiry within the Commission. The Commission is empowered by law to conduct criminal investigations and has concurrent jurisdiction with the Attorney General to prosecute election crimes under *Neb Rev Stat* § 49-14,126. Hergert was informed of the investigation(s) and entered into a series of submissions of information and communications with the Commission about the matters under investigation.

2. Thereafter, Hergert prepared or caused to be prepared, signed, and filed his Campaign Statement on January 11, 2005. This Campaign Statement contained false, deceptive and misleading information including, but not limited to, false reporting of the date when Hergert or his campaign incurred an expense of $13,272.66 to the Jackson-Alvarez Group, McLean, Virginia. Hergert reported this expenditure was incurred December 14, 2004, but the expenditure actually commenced to be incurred, and was made, no later than October 5, 2004, when Hergert's political consultants confirmed prior requests for public records from the University of Nebraska by giving University officials a Federal Express number to be used to transport the requested information.

3. Hergert's January 11, 2005, Campaign Statement constituted intentional obstruction, impairment or perversion of the administration of law or other governmental functions by unlawful acts, including submission of material information to the Commission which Hergert knew to be false. Hergert furnished materially false information to Commission officials with the intent to impede a criminal investigation. Hergert's conduct violated *Neb Rev Stat* § 28-901.

4. Hergert's actions were related, but inimical, to his duties in office, subversive of fundamental and essential principles of government, and were highly prejudicial to the public interest.

Article VI

Obstructing Government Operations (*Neb Rev Stat* § 28-901)

1. The Nebraska Attorney General's Office and the Nebraska State Patrol initiated an investigation of C. David Hergert and his Campaign for Election as a University Regent prior to October 8, 2005. On October 8, 2005, Chief Criminal Prosecutor Donald W. Kleine and Nebraska State Patrol Lieutenant Mark Funkhouser conducted a recorded interview of Hergert.

2. During the October 8, 2005 interview, Hergert falsely reported on one or more of (a) his awareness of campaign expenditures, (b) when expenditures were incurred, (c) how and when campaign loans were arranged and funds were advanced, or (d) why prior reports made to the

Commission failed to report truthfully the date(s) when expenditures were actually incurred or loan funds were actually arranged or advanced to the campaign, to or by, the Jackson-Alvarez Group, McLean, Virginia, Majority Strategies, Cottington, Inc., and/or Valley Bank & Trust Co., Scottsbluff, Nebraska.

3. Hergert further falsely reported on October 8, 2005, that he found, inadvertently misfiled in a "chicory plant file," a Commission NADC Form CFLA-7 "Forty Percent Affidavit."

4. Hergert's October 8, 2005, recorded Statement included his false and intentionally misleading statements which were designed to, and did, obstruct, impair, or pervert the administration of law or other governmental functions by unlawful acts intended to impede the investigation of an actual criminal matter.

5. Hergert's false reporting regarding his NADC Form CFLA-7 misfiling, constituted false and intentionally misleading statements designed to obstruct, impair, or pervert the administration of law or other government functions by unlawful acts with the intent to impede a criminal matter. This conduct violated *Neb Rev Stat* § 28-901.

6. Hergert's actions were related, but inimical, to his duties in office, subversive of fundamental and essential principles of government, and were highly prejudicial to the public interest.

Acts Occurring Before January 6, 2005,
Affecting Service In Office and
Constituting Impeachable Offenses

Article VII
Violation of Campaign Finance Limitation Act (*Neb Rev Stat* § 32-1604(5)(b))

1. Candidates who are not incumbents seeking election as a civil officer, owe the public the same duty to avoid corruption, illegality and fraud as an incumbent civil officer seeking re-election to a public office in Nebraska.

2. During the 2004 Primary and General election campaigns for the office of University Regent in District 7, C. David Hergert failed to file a timely, truthful disclosure of his campaign expenditures. By so failing, Hergert violated *Neb Rev Stat* § 32-1604(5)(b), which required Hergert file an affidavit within five days of exceeding 40% of his candidate's estimated expenditures. Hergert was required to, but failed to, make such required disclosure on at least one of these occasions:

2.1 Hergert was required to report by no later than April 27, 2004, but failed to report until May 12, 2004, after the primary election, his expenditure of more than 40% of his primary election expenditure estimate of $65,000.

2.2 Hergert was required to report by no later than October 24, 2004, but failed to report until November 12, 2004, after the general election, his expenditure of more than 40% of his amended general election expenditure estimate of $40,000.00.

3. These actions impacted the release of public funds to Hergert's opponent in one or both of the 2004 elections and thereby improperly

influenced the vote of one or more electors in one or both the 2004 elections. Hergert's conduct was intentional, and violated election laws including *Neb Rev Stat* § 32-1604(5)(b).

4. Hergert's actions were related, but inimical, to his duties in office, subversive of fundamental and essential principles of government, and were highly prejudicial to the public interest.

Article VIII
Violation of Nebraska Political Accountability and Disclosure Act
(*Neb Rev Stat* § 49-14,134)

1. Candidates who are not incumbents seeking election to an office, owe the public the same duty to avoid corruption, illegality and fraud as an incumbent civil officer seeking re-election to a public office in Nebraska.

2. During the 2004 general election campaigns for the office of University Regent in District 7, C. David Hergert failed to file a truthful Campaign Statement by October 25, 2004. The filing Hergert made on that date deceptively and intentionally omitted Section D, Schedule 2 of the required Campaign Statement filed on NADC Form B-1 which was required to be filed to disclose unpaid bills and expenditures as defined by *Neb Rev Stat* § 49-1419(4), including any advance, loan, payment, pledge, or subscription of money or anything of value and any contract, agreement, promise, or other obligation, whether or not legally enforceable incurred.

3. Instead, Hergert filed on October 25, 2004, an intentionally false, incomplete and deceptive Campaign Statement which omitted material expenditures, including one or more of the following material expenditures:

The Jackson- Alvarez Group	$ 13,272.66
Majority Strategies	$ 10,295.00
Scott Cottington, Inc.	$ 36,000.00

4. These actions impacted the release of public funds to Hergert's opponent in one or both of the 2004 elections and thereby improperly influenced the vote of one or more electors in one or both the 2004 elections. Hergert's conduct was intentional and violated *Neb Rev Stat* § 49-14,134.

5. Hergert's actions were related, but inimical, to his duties in office, subversive of fundamental and essential principles of government, and were highly prejudicial to the public interest.

Article IX
Violation of Nebraska Political Accountability and Disclosure Act
(*Neb Rev Stat* § 49-1446.04)

1. Candidates who are not incumbents seeking election as civil officers owe the public the same duty to avoid corruption, illegality and fraud as an incumbent civil officer seeking re-election to a public office in Nebraska.

2. During the 2004 general election campaign for the office of University Regent, C. David Hergert borrowed from Valley Bank & Trust Co., Scottsbluff, Nebraska, $44,000 on October 22, 2004, and $5,000 on or before October 29, 2004.

3. These loans were unlawfully received by Hergert and used in his campaign. Section 49-1446.04 prohibits candidates, like Hergert, from accepting loans in an aggregate amount of more than fifty percent (50%) of the contributions of money, other than the proceeds of loans, which Hergert received during the relevant reporting period and as of the date of the receipt of the proceeds of the loan.

4. Hergert's conduct was intentional and violated *Neb Rev Stat* § 49-1446.04.

5. Hergert's actions were related, but inimical, to his duties in office, subversive of fundamental and essential principles of government, and were highly prejudicial to the public interest.

Article X
Violation of Accountability & Disclosure Act (*Neb Rev Stat* § 49-14,134)

1. Candidates who are not incumbents seeking election as a civil officer, owe the public the same duty to avoid corruption, illegality and fraud as an incumbent civil officer seeking re-election to a public office in Nebraska.

2. During the 2004 general election campaign for the office of University Regent in District 7, C. David Hergert, borrowed from Valley Bank & Trust Co., Scottsbluff, Nebraska $44,000 on October 22, 2004.

3. Hergert reported falsely and intentionally that the Valley Bank & Trust Co. loan of $44,000 was advanced to him on October 26, 2004, when he filed a Report of Late Contribution on Commission Form B-5 on November 3, 2004. However, the loan was advanced to Hergert on or about October 22, 2006, as he later admitted in a filing made to the Commission on January 11, 2005. Hergert's false reporting violated *Neb Rev Stat* § 49-14,134 and delayed disclosure of the loan until after the general election of November 2, 2004.

4. Hergert's conduct was intentional and violated *Neb Rev Stat* § 49-14, 134.

5. Hergert's actions were related, but inimical, to his duties in office, subversive of fundamental and essential principles of government, and were highly prejudicial to the public interest.

NOW, THEREFORE, BE IT RESOLVED, that C. David Hergert, Regent, University of Nebraska is hereby impeached, saving unto the Legislature of the State of Nebraska at any time hereafter any further articles or other accusations or impeachment against the said C. David Hergert, and also of replying to his answers which he shall make to the articles herein preferred against him, and of offering proof to the same and every part thereof, and all and every other article, accusation or impeachment which shall be exhibited as the case shall require, and do now demand that the said C. David Hergert be put to answer the misdemeanor(s) in office herein charged against him, and that such proceedings, examination, trials, and judgements may be thereupon had and given as may be agreeable to law and justice.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1024. The Standing Committee amendment, AM2687, printed separately and referred to on page 1332 and considered on pages 1412 and 1492, as amended, was renewed.

Senator Cornett offered the following motion:
Reconsider the vote taken on AM3142.

Pending.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR 447 was referred to the Reference Committee.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LR 447	Agriculture

(Signed) Pat Engel, Chairperson
Legislative Council, Executive Board

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Judy Schweikart - Accountability and Disclosure Commission

VOTE: Aye: Senators Burling, Fischer, Langemeier, Schimek, Wehrbein. Nay: None. Absent: Senators Brown, Mines, Pahls.

(Signed) DiAnna R. Schimek, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1039. Placed on Select File as amended.
E & R amendment to LB 1039:
AM7228

1. Strike the original sections and all amendments
thereto and insert the following new sections:

Section 1. Section 9-801, Reissue Revised Statutes of Nebraska, is amended to read:

9-801 Sections 9-801 to 9-841 and section 2 of this act shall be known and may be cited as the State Lottery Act.

Sec. 2. The division shall spend not less than five percent of the advertising budget for the state lottery on problem gambling prevention, education, and awareness messages. The division shall coordinate messages developed under this section with the prevention, education, and awareness messages in use on the effective date of this act by or developed in conjunction with the Compulsive Gamblers Assistance Program established pursuant to section 71-817. For purposes of this section, the advertising budget for the state lottery includes amounts budgeted and spent for advertising, promotions, incentives, public relations, marketing, or contracts for the purchase or lease of goods or services that include advertising, promotions, incentives, public relations, or marketing, but does not include in-kind contributions by media outlets.

Sec. 3. Original section 9-801, Reissue Revised Statutes of Nebraska, is repealed.

2. On page 1, strike beginning with the second comma in line 2 through "term" in line 4; and in line 6 strike "sections" and insert "section".

LEGISLATIVE RESOLUTION 272CA. Placed on Select File.

LEGISLATIVE BILL 1248. Placed on Select File as amended.
(E & R amendment, AM7216, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 1248A. Placed on Select File.

(Signed) Michael Flood, Chairperson

AMENDMENTS - Print in Journal

Senator Dw. Pedersen filed the following amendment to LB 925:
AM3212

(Amendments to E & R amendments, AM7208)

1. On page 18, line 6, strike the new matter and reinstate the stricken matter.

2. On page 19, line 15, strike "fifteen", show as stricken, and insert "five".

3. On page 20, line 7, strike "thirty" and reinstate the stricken "ten".

Senator Dw. Pedersen filed the following amendment to LB 925:
AM3211

(Amendments to E & R amendments, AM7208)

1. On page 17, line 11, strike "ten" and insert "two" and strike "two" and insert "one"; and in line 12 strike "forty" and insert "twenty".

Senator Jensen filed the following amendment to LB 965A:
AM3216

1. Insert the following new section:

Sec. 2. There is hereby appropriated (1) $120,000 from the General Fund for FY2006-07 and (2) $100,000 from the General Fund for FY2007-08 to the State Treasurer, for Program 659, to aid in carrying out the provisions of Legislative Bill 965, Ninety-ninth Legislature, Second Session, 2006.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $30,000 for FY2006-07 or $30,000 for FY2007-08.

Senator Kremer filed the following amendment to LB 1039:
AM3195

(Amendments to E & R amendments, AM7228)

1. Insert the following sections:

Sec. 3. Section 81-15,170, Revised Statutes Cumulative Supplement, 2004, is amended to read:

81-15,170 (1) The Nebraska Environmental Trust Board is hereby created as an entity of the executive branch. The board shall consist of the Director of Environmental Quality, the Director of Regulation and Licensure, the Director of Natural Resources, the Director of Agriculture, the secretary of the Game and Parks Commission, and ~~nine~~ eleven citizens appointed by the Governor with the approval of a majority of the Legislature. The citizen members shall begin serving immediately following notice of nomination and prior to approval by the Legislature. The citizen members shall represent the general public and shall have demonstrated competence, experience, and interest in the environment of the state. ~~Two~~ At least two of the citizen appointees shall also have experience with private financing of public-purpose projects. ~~Three appointees shall be chosen from~~

(2) Of the eleven citizen appointees appointed pursuant to subsection (1) of this section:

(a) One appointee shall be appointed from each of the eight districts described in subsection (3) of this section; and

(b) One appointee shall be appointed from each of the three congressional districts.

(3) For purposes of this section, the following districts shall be used for the appointment of citizen appointees:

(a) The first district shall contain the counties of Butler, Cass, Gage, Jefferson, Johnson, Nemaha, Otoe, Pawnee, Richardson, Saline, Sarpy, Saunders, and Seward;

(b) The second district shall contain the county of

Douglas;

(c) The third district shall contain the counties of Antelope, Boone, Burt, Cedar, Colfax, Cuming, Dakota, Dixon, Dodge, Knox, Madison, Merrick, Nance, Pierce, Platte, Stanton, Thurston, Washington, and Wayne;

(d) The fourth district shall contain the counties of Adams, Buffalo, Clay, Fillmore, Franklin, Hall, Hamilton, Kearney, Nuckolls, Polk, Thayer, Webster, and York;

(e) The fifth district shall contain the counties of Chase, Dawson, Dundy, Frontier, Furnas, Gosper, Harlan, Hayes, Hitchcock, Lincoln, Perkins, Phelps, and Red Willow;

(f) The sixth district shall contain the counties of Arthur, Blaine, Boyd, Brown, Cherry, Custer, Garfield, Grant, Greely, Holt, Hooker, Howard, Keya Paha, Logan, Loup, McPherson, Rock, Sherman, Thomas, Valley, and Wheeler;

(g) The seventh district shall contain the counties of Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Keith, Kimball, Morrill, Scotts Bluff, Sheridan, and Sioux; and

(h) The eighth district shall contain the county of Lancaster.

(4) A citizen appointee appointed pursuant to this section as it existed prior to the effective date of this act may continue to serve until the expiration of his or her term of office. Within thirty days after the effective date of this act, the Governor shall designate which citizen appointees appointed prior to the effective date of this act shall represent the districts and congressional districts that become effective on the effective date of this act. As the terms of citizen appointees appointed prior to the effective date of this act expire as set out in section 81-15,171, appointments shall be made pursuant to this section as it exists on and after the effective date of this act.

(5) The board shall hire an executive director who shall hire and supervise other staff members as may be authorized by the board. The executive director shall serve at the pleasure of the board and be solely responsible to it. The Game and Parks Commission shall provide administrative support, including, but not limited to, payroll and accounting functions, to the board.

Sec. 4. Section 81-15,171, Reissue Revised Statutes of Nebraska, is amended to read:

81-15,171 The citizen members of the board shall be appointed for terms of six years, except that of the members first appointed, except directors of agencies, the terms of three shall expire at the end of the second year, three at the end of the fourth year, and three at the end of the sixth year, as designated at the time of appointment and an additional citizen member shall be appointed to serve an initial term that expires March 10, 2007, and an additional citizen member shall be appointed to serve an initial term that expires March 10, 2008. Any member appointed to fill a vacancy occurring prior to the expiration of the term for

which his or her predecessor was appointed shall be appointed for the remainder of such term. A vacancy on the board shall exist in the event of the death, disability, or resignation of a member. All members shall be reimbursed for their actual and necessary travel expenses as provided in sections 81-1174 to 81-1177.

2. On page 1, line 21, strike "section 9-801" and insert "sections 9-801 and 81-15,171"; and in line 22 strike "is" and insert "and section 81-15,170, Revised Statutes Cumulative Supplement, 2004, are".

3. Renumber the remaining section accordingly.

GENERAL FILE

LEGISLATIVE BILL 1024. The Cornett pending motion, found in this day's Journal, to reconsider the vote taken on AM3142, was renewed.

SPEAKER BRASHEAR PRESIDING

Senator Raikes offered the following motion:
Invoke cloture on LB 1024, pursuant to Rule 7, Section 10.

Senator Raikes moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Raikes requested a roll call vote on his motion to invoke cloture.

Voting in the affirmative, 31:

Aguilar	Cunningham	Kremer	Pedersen, Dw.	Stuthman
Baker	Erdman	Landis	Pederson, D.	Thompson
Beutler	Fischer	Langemeier	Raikes	Wehrbein
Brashear	Heidemann	Louden	Redfield	
Brown	Janssen	McDonald	Schrock	
Byars	Jensen	Mines	Smith	
Cudaback	Johnson	Pahls	Stuhr	

Voting in the negative, 13:

Bourne	Connealy	Flood	Howard	Synowiecki
Burling	Cornett	Foley	Kopplin	
Chambers	Engel	Friend	Preister	

Present and not voting, 4:

Combs	Kruse	Price	Schimek

Excused and not voting, 1:

Hudkins

The Raikes motion to invoke cloture failed with 31 ayes, 13 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

SENATOR CUDABACK PRESIDING

LEGISLATIVE BILL 745. Senator Chambers renewed his pending motion, found on page 1347 and considered on page 1356, to bracket until April 11, 2006.

SENATOR ENGEL PRESIDING

SENATOR CUDABACK PRESIDING

Senator Mines moved the previous question. The question is, "Shall the debate now close?"

Senator Mines moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The motion to cease debate prevailed with 26 ayes, 2 nays, and 21 not voting.

Senator Chambers requested a roll call vote on his motion to bracket.

Voting in the affirmative, 19:

Baker	Flood	Jensen	Mines	Smith
Brashear	Foley	Kremer	Price	Stuhr
Erdman	Friend	Kruse	Raikes	Wehrbein
Fischer	Heidemann	Louden	Redfield	

Voting in the negative, 16:

Aguilar	Combs	Howard	Schrock
Beutler	Connealy	Janssen	Stuthman
Bourne	Cornett	Kopplin	Synowiecki
Byars	Cunningham	Schimek	Thompson

Present and not voting, 9:

Brown	Chambers	Engel	Landis	Pederson, D.
Burling	Cudaback	Johnson	Pahls	

Excused and not voting, 5:

Hudkins	Langemeier	McDonald	Pedersen, Dw.	Preister

The Chambers motion to bracket failed with 19 ayes, 16 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
Reconsider the vote just taken.

Senator Synowiecki asked unanimous consent to pass over LB 745. No objections. So ordered.

LEGISLATIVE BILL 228. Title read. Considered.

The Standing Committee amendment, AM1988, found on page 702, was considered.

Senator Raikes renewed the Raikes-Howard pending amendment, AM2466, found on page 884, to the Standing Committee amendment.

Senator Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Raikes-Howard amendment was adopted with 25 ayes, 3 nays, 12 present and not voting, and 9 excused and not voting.

Senator Stuthman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Howard moved for a call of the house. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Senator Howard requested a roll call vote on the Standing Committee amendment, as amended.

Voting in the affirmative, 24:

Aguilar	Chambers	Howard	Pahls	Stuhr
Beutler	Connealy	Janssen	Price	Synowiecki
Bourne	Cudaback	Johnson	Raikes	Thompson
Brashear	Engel	Kopplin	Schimek	Wehrbein
Byars	Flood	Kruse	Schrock	

Voting in the negative, 11:

Baker	Erdman	Langemeier	Smith
Burling	Friend	Louden	Stuthman
Cunningham	Kremer	Redfield	

Present and not voting, 5:

Combs	Cornett	Fischer	Heidemann	Jensen

Excused and not voting, 9:

Brown	Hudkins	McDonald	Pedersen, Dw.	Preister
Foley	Landis	Mines	Pederson, D.	

The Standing Committee amendment, as amended, lost with 24 ayes, 11 nays, 5 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Howard moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Howard requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 17:

Aguilar	Chambers	Kopplin	Schimek	Thompson
Beutler	Connealy	Kruse	Schrock	
Bourne	Howard	Pahls	Stuhr	
Byars	Janssen	Price	Synowiecki	

Voting in the negative, 12:

Baker	Engel	Louden	Smith
Burling	Erdman	Raikes	Stuthman
Cunningham	Friend	Redfield	Wehrbein

Present and not voting, 11:

Brashear	Cudaback	Heidemann	Kremer
Combs	Fischer	Jensen	Langemeier
Cornett	Flood	Johnson	

Excused and not voting, 9:

Brown	Hudkins	McDonald	Pedersen, Dw.	Preister
Foley	Landis	Mines	Pederson, D.	

Failed to advance to E & R for review with 17 ayes, 12 nays, 11 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 821. Title read. Considered.

The Standing Committee amendment, AM2314, found on page 763, was considered.

Senator Erdman withdrew his pending amendments, AM2953 and AM3086, found on pages 1310 and 1461.

Senator Erdman offered the following amendment to the Standing Committee amendment:
AM3232

(Amendments to Standing Committee amendments, AM2314)

1. On page 1, line 4, after "are" insert "residents of the school district pursuant to subsection (1) of section 79-215 and who are" and strike "another public," and insert "a"; in line 8 after "may" insert "include provisions permitting the part-time enrollment of such students who are not residents of such school districts and may"; and in line 11 after "grounds" insert "or at a school-sponsored activity or athletic event".

Senator Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Erdman amendment was adopted with 26 ayes, 1 nay, 12 present and not voting, and 10 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Senator Erdman moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Advanced to E & R for review with 26 ayes, 6 nays, 6 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: LB 57.

ER9104

Enrollment and Review Change to LB 57

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Landis-Foley amendment, AM3170, on page 2, line 2, "on" has been struck and "by" inserted; in line 10 "4" has been struck and "5" inserted; in line 11 "assault" has been struck and "certain assaults committed on a pregnant woman" inserted; and in line 20 "the" has been struck.

(Signed) Michael Flood, Chairperson

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 85, 85A, 366, 542, 542A, 605, 605A, 690, 690A, 746, 746A, 795, 817, 817A, 872, 872A, 990, 990A, 996, 996A, 1086, 1086A, 1208, 1208A, 808, 819, 856, 856A, 898, 904, 956, 956A, 962, 994, 994A, 1010, 1038, 1107, 1189, 1189A, and LR 259CA.

(Signed) Vickie D. McDonald

AMENDMENTS - Print in Journal

Senator Schrock filed the following amendment to LB 1113:
AM3218

(Amendments to Standing Committee amendments, AM2785)

1. On page 6, line 16, strike "ensure" through "points" in line 18 and insert "provide public access for recreational use at designated access points at any water project".

Senator Landis filed the following amendment to LB 1105:
AM3210

(Amendments to E & R amendments, AM7222)

1. On page 2, line 19, after "multiplier" insert ". Attributable revenue includes state sales taxes granted to a contracting public body under the Entertainment and Tourism Development Act".

2. On page 5, line 1, strike "a" and insert an underscored colon, paragraphing, and "(a) A"; in line 4 after the semicolon insert "or

(b) A person who attended a sporting event, concert, or other recreational or entertainment event described in subdivision (8)(d) at a sports arena facility;".

3. On page 10, line 21, after "audit" insert "or examination".

4. On page 11, line 23, after "the" insert "eligible".

5. On page 12, strike line 20 and insert "eligible facility".

6. On page 13, line 11, after the first "the" insert "remaining".

Senator Brashear filed the following amendment to LB 1256:
AM3222

(Amendments to E & R amendments, AM7213)

1. On page 2, lines 12 and 13, strike the new matter and reinstate the stricken matter.

2. On page 10, line 13, after "agreement" insert ". A minimum of one million dollars shall be placed in the private endowment prior to December 31, 2006, and a minimum of five million dollars shall be placed in the private endowment prior to June 30, 2007"; in line 16 strike "and"; in line 17 strike "Agree to permit" and insert "Permit"; and in line 19 after "act" insert "; and

(d) Submit to the State Department of Education an annual financial statement of the private endowment, audited by an independent auditor and complying with all applicable Internal Revenue Service requirements. The financial statement shall report details on the private endowment, including the current value of the corpus and the annual receipts to the private endowment categorized by donations and interests, together with a report listing the amount and purpose of expenditures from the private endowment".

3. On page 11, line 5, strike "no funds are" and insert "the funds"; in line 6 after "Fund" insert "pursuant to subsection (12) of section 84-613 terminate as set forth in such section and are not replaced by a minimum of forty million dollars from another source"; and in line 17 after "the" insert "sole".

4. On page 12, line 4, after "for" insert "at-risk"; in line 7 after the second comma insert "and"; in line 8 strike ", and community-based organizations"; in line 9 after "for" insert "at-risk"; in line 11 after the period insert "School districts, cooperatives of school districts, and educational service units may establish agreements with other public and private entities to provide services or operate programs."; and strike beginning with "Any" in line 20 through "(6)" in line 26.

5. On page 13, line 7, strike "(7)" and insert "(6)"; and in line 11 after "for" insert "at-risk".

Senator Brashear filed the following amendment to LB 1006:
AM3223

(Amendments to E & R amendments, AM7207)

1. Strike sections 1 and 2 and insert the following new sections:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, sections 7, 8, and 9:

VII-7 The following are hereby declared to be perpetual funds for common school purposes, including early childhood educational purposes operated by or distributed through the common schools, of which the annual interest or income only can be appropriated, to wit:

First. Such ~~per cent~~ percent as has been, or may hereafter be, granted by Congress on the sale of lands in this state.

Second. All money arising from the sale or leasing of sections number sixteen and thirty-six in each township in this state, and the lands selected, or that may be selected, in lieu thereof.

Third. The proceeds of all lands that have been, or may hereafter be, granted to this state, where by the terms and conditions of such grant the same are not to be otherwise appropriated.

Fourth. The net proceeds of lands and other property and effects that may come to this state, by escheat or forfeiture, or from unclaimed dividends, or distributive shares of the estates of deceased persons.

Fifth. All other property of any kind now belonging to the perpetual fund.

VII-8 All funds belonging to the state for common school ~~educational~~ purposes, including early childhood educational purposes operated by or distributed through the common schools, the interest and income whereof only are to be used, shall be deemed trust funds. Such funds with the interest and income thereof are hereby solemnly pledged to the purposes for which they are granted and set apart and shall not be transferred to any other fund for other uses. The state shall supply any net aggregate losses thereof realized at the close of each calendar year that may in any manner accrue. Notwithstanding any other provisions in ~~the~~ this Constitution, such funds shall be invested as the Legislature may by statute provide.

VII-9 (1) The following funds shall be exclusively used for the support and maintenance of the common schools in each school district in the state or for early childhood education operated by or distributed through the common schools as provided in subsection (3) of this section, as the Legislature shall provide:

~~a.~~ (a) Income arising from the perpetual funds;

~~b.~~ (b) The income from the unsold school lands, except that costs of administration shall be deducted from the income before it is so applied;

~~c.~~ (c) All other grants, gifts, and devises that have been or may hereafter be made to the state which are not otherwise appropriated by the terms of the grant, gift, or devise; and

~~d.~~ (d) Such other support as the Legislature may provide.

(2) No distribution or appropriation shall be made to any school district for the year in which school is not maintained for the minimum term required by law.

(3)(a) An early childhood education endowment fund shall be created for the purpose of supporting early childhood education in this state as provided by the Legislature.

(b) An amount equal to forty million dollars of the funds belonging to the state for common school and early childhood educational purposes operated by or distributed through the common schools described in Article VII, section 7, of this Constitution shall be allocated for the early childhood education endowment fund.

(c) Only interest or income on such early childhood education endowment fund may be appropriated as provided by the Legislature for the benefit of the common schools and for the exclusive purpose of supporting early childhood education in this state.

(d) For purposes of Article VII of this Constitution, early childhood education means programs operated by or distributed through the common schools promoting development and learning for children from birth to kindergarten-entrance age.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to permit use of funds dedicated to the common schools for early childhood educational purposes.

For

Against.

Senators Landis and Brashear filed the following amendment to LB 500: (Amendment, AM3208, is printed separately and available in the Bill Room, Room 1104.)

UNANIMOUS CONSENT - Add Cointroducer

Senator Redfield asked unanimous consent to add her name as cointroducer to LR 272CA. No objections. So ordered.

VISITORS

Visitors to the Chamber were 23 fourth-grade students and teacher from Cedar Elementary School, Beatrice; Boy Scouts from Cornhusker and Mid-America Councils, Lincoln and Omaha; Kenneth Legg from Omaha; supporters of Immigration Reform Rally from across the state; 40 members of Family Careers and Community Leaders of America and sponsor from across the state; Lacy Bryant, Elizabeth Jorgensen, Olivia Klein, and Darrel Fisher from Medicine Valley; Senator Wehrbein's wife, and grandchildren, Jeanene, Abby, and Kalby Wehrbein; and 8 Boy Scouts from Troop #25,

Lincoln.

The Doctor of the Day was Dr. Randy Kohl from Firth.

ADJOURNMENT

At 9:37 p.m., on a motion by Senator Cornett, the Legislature adjourned until 9:00 a.m., Tuesday, April 11, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-EIGHTH DAY - APRIL 11, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 11, 2006

PRAYER

The prayer was offered by Senator Kremer.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Beutler, Preister, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-seventh day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 821. Placed on Select File as amended.
E & R amendment to LB 821:
AM7229

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Each school board shall allow the part-time enrollment of students who are residents of the school district pursuant to subsection (1) of section 79-215 and who are also enrolled in a private, denominational, or parochial school or in a school which elects pursuant to section 79-1601 not to meet accreditation or approval requirements and shall establish policies and procedures for such part-time enrollment. Such policies and procedures may include provisions permitting the part-time enrollment of such students who are not residents of such school districts and may require part-time students to follow school policies that apply to other students at any time the part-time student is present on school grounds or at a school-sponsored activity or athletic event. Part-time enrollment shall not entitle

a student to transportation or transportation reimbursements pursuant to section 79-611. Nothing in this section shall be construed to exempt any student from the compulsory attendance provisions of sections 79-201 to 79-207.

(Signed) Michael Flood, Chairperson

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 85, 85A, 366, 542e, 542Ae, 605e, 605Ae, 690, 690A, 746, 746A, 795e, 817, 817Ae, 872, 872A, 990, 990A, 996, 996A, and 1086.

(Signed) Jeanne Combs

GENERAL FILE

LEGISLATIVE BILL 1024. The Cornett pending motion, found on page 1565 and considered on page 1569, to reconsider the vote taken on AM3142, was renewed.

Senator Kruse moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Senator Bourne moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Senator Bourne requested a roll call vote on the Cornett motion to reconsider.

Voting in the affirmative, 9:

Bourne	Cornett	Friend	Kruse	Synowiecki
Connealy	Foley	Howard	Preister	

Voting in the negative, 31:

Aguilar	Chambers	Johnson	Pedersen, Dw.	Stuhr
Baker	Cunningham	Kopplin	Pederson, D.	Stuthman
Beutler	Engel	Kremer	Price	Wehrbein
Brashear	Erdman	Landis	Raikes	
Brown	Hudkins	McDonald	Redfield	
Burling	Janssen	Mines	Schrock	
Byars	Jensen	Pahls	Smith	

Present and not voting, 8:

Combs	Fischer	Heidemann	Louden
Cudaback	Flood	Langemeier	Thompson

Excused and not voting, 1:

Schimek

The Cornett motion to reconsider failed with 9 ayes, 31 nays, 8 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment, AM2687, printed separately and referred to on page 1332 and considered on pages 1412, 1492, and 1565, as amended, was renewed.

Senator Kruse asked unanimous consent to withdraw his pending amendment, FA674, found on page 1527, and replace it with his substitute amendment, AM3176, to the Standing Committee amendment. No objections. So ordered.

AM3176

(Amendments to AM3142)

1. Strike amendments 1 to 7 and insert the following new amendment:

1. Insert the following new section:

Sec. 113. Each November through 2011, each learning community coordinating council shall report to the Legislature on actions taken, actions planned, and discussions in relation to providing quality education which reaches past social and cultural barriers.

2. Renumber the remaining amendment accordingly.

Senator Kruse withdrew his amendment.

Senator Raikes offered the following amendment to the Standing Committee amendment:

AM3166

(Amendments to Standing Committee amendments, AM2687)

1. Strike the Bourne-Connealy amendment, AM3128.

2. Insert the following new section:

Sec. 115 If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

3. Renumber the remaining sections accordingly.

SPEAKER BRASHEAR PRESIDING

Senator Raikes offered the following motion:

To invoke cloture on LB 1024, pursuant to Rule 7, Section 10.

Senator Raikes moved for a call of the house. The motion prevailed with 44 ayes, 0 nays, and 5 not voting.

Senator Raikes requested a roll call vote on his motion to invoke cloture.

Voting in the affirmative, 36:

Aguilar	Cunningham	Johnson	Pahls	Stuhr
Baker	Engel	Kremer	Pedersen, Dw.	Stuthman
Beutler	Erdman	Kruse	Pederson, D.	Thompson
Brashear	Fischer	Landis	Price	Wehrbein
Brown	Heidemann	Langemeier	Raikes	
Byars	Hudkins	Louden	Redfield	
Combs	Janssen	McDonald	Schrock	
Cudaback	Jensen	Mines	Smith	

Voting in the negative, 9:

Bourne	Cornett	Foley	Howard	Synowiecki
Chambers	Flood	Friend	Preister	

Present and not voting, 4:

Burling	Connealy	Kopplin	Schimek

The Raikes motion to invoke cloture prevailed with 36 ayes, 9 nays, and 4 present and not voting.

Senator Bourne requested a roll call vote on the Raikes amendment.

Voting in the affirmative, 27:

Aguilar	Engel	Johnson	Pedersen, Dw.	Stuhr
Baker	Fischer	Kremer	Pederson, D.	Thompson
Brown	Flood	Kruse	Raikes	Wehrbein
Byars	Heidemann	Landis	Redfield	
Cudaback	Janssen	Louden	Schrock	
Cunningham	Jensen	Pahls	Smith	

Voting in the negative, 17:

Beutler	Combs	Friend	McDonald	Synowiecki
Bourne	Connealy	Howard	Mines	
Brashear	Cornett	Hudkins	Preister	
Chambers	Foley	Kopplin	Schimek	

Present and not voting, 5:

Burling	Erdman	Langemeier	Price	Stuthman

The Raikes amendment was adopted with 27 ayes, 17 nays, and 5 present and not voting.

The Standing Committee amendment, as amended, was adopted with 40 ayes, 9 nays, and 0 not voting.

Senator Bourne requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 39:

Aguilar	Combs	Janssen	Louden	Redfield
Baker	Cudaback	Jensen	McDonald	Schimek
Beutler	Cunningham	Johnson	Mines	Schrock
Brashear	Engel	Kopplin	Pahls	Smith
Brown	Erdman	Kremer	Pedersen, Dw.	Stuhr
Burling	Fischer	Kruse	Pederson, D.	Thompson
Byars	Heidemann	Landis	Price	Wehrbein
Chambers	Hudkins	Langemeier	Raikes	

Voting in the negative, 9:

Bourne	Cornett	Foley	Howard	Synowiecki
Connealy	Flood	Friend	Preister	

Present and not voting, 1:

Stuthman

Advanced to E & R for review with 39 ayes, 9 nays, and 1 present and not voting.

The Chair declared the call raised.

SENATOR CUDABACK PRESIDING

LEGISLATIVE BILL 1024A. Title read. Considered.

Senator Cornett offered the following amendment:
AM3190

1. Insert the following new section:

Sec. 4. There is hereby appropriated $9,000,000 from the General Fund for FY2006-07 to the State Department of Education, for Program 158, to aid in carrying out the provisions of Legislative Bill 1024, Ninety-ninth Legislature, Second Session, 2006. The funds provided under this section are to replace federal funds.

Senator Cornett withdrew her amendment.

Advanced to E & R for review with 29 ayes, 2 nays, 16 present and not voting, and 2 excused and not voting.

STANDING COMMITTEE REPORTS
Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Patricia Madsen - Child Abuse Prevention Fund Board

VOTE: Aye: Senator Jensen, Cunningham, Johnson, Stuthman and Howard. Nay: None. Absent: Senator Byars and Erdman.

(Signed) Jim Jensen, Chairperson

Natural Resources

LEGISLATIVE BILL 1031. Placed on General File as amended.
Standing Committee amendment to LB 1031:
AM3075
1. On page 9, line 4, strike "department" and insert "Environmental Quality Council".

(Signed) Ed Schrock, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 450. Introduced by Natural Resources Committee: Schrock, 38, Chairperson; Hudkins, 21; Kremer, 34; Louden, 49; McDonald, 41; Smith, 48; Stuhr, 24.

PURPOSE: The Nebraska Environmental Trust was created by statute in 1992, and following the authorization of the state lottery by the voters of Nebraska, affirmed by passage of an identical statute in 1993.

Periodically since 2002, the Legislature has appropriated funds from the trust for other purposes. This study shall include, but not be limited to, examination of the following:

(1) The interests and desires of the public on this issue, including the history of enactment of the State Lottery Act;

(2) Allocation of state lottery and other revenue for natural resources conservation and reclamation in other states; and

(3) Any other matters necessary or appropriate for a complete examination of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Cointroducer

Senator Redfield asked unanimous consent to add her name as cointroducer to LB 821. No objections. So ordered.

VISITORS

Visitors to the Chamber were 36 fourth-grade students and teachers from St. Wenceslaus School, Wahoo; John Manna from Omaha; 20 students and teachers from Lincoln High School, Lincoln; 31 fourth-grade students and teacher from Seymour Elementary School, Ralston; 35 fourth-grade students and teachers from La Vista West Elementary School, La Vista; 8 third- through sixth-grade students and teacher from Park Avenue Christian School, Norfolk; Bob Pier from Aurora; Senator Cornett's mother, Mary Gallegen Cornett, from Omaha; Ron Schoneberg from Arapahoe and Mark Schoneberg from Hickman; Kent and Gloria Phillips from Columbus, and Chris, Julie, Nicole, and Austin Torney from Kentfield, California; 40 fourth-grade students and teachers from Lincoln Elementary School, Beatrice; and Glen Carmann from Riverdale.

RECESS

At 12:04 p.m., on a motion by Senator Janssen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Bourne, Connealy, Engel, Mines, and Preister who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1024. Placed on Select File as amended.
(E & R amendment, AM7230, is on file and available in the Clerk's Office, Room 2014.)

LEGISLATIVE BILL 1024A. Placed on Select File.

(Signed) Michael Flood, Chairperson

MOTION - Return LB 965A to Select File

Senator Jensen moved to return LB 965A to Select File for his specific pending amendment, AM3216, found on page 1567.

The Jensen motion to return prevailed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 965A. The Jensen specific pending amendment, AM3216, found on page 1567, was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendments to LB 925

Senator Friend withdrew his pending amendment, AM3121, found on page 1486, to LB 925.

Senator Dw. Pedersen withdrew his pending amendments, AM3212 and AM3211, found on page 1566, to LB 925.

ANNOUNCEMENT

The Chair announced today is Senator Bourne's birthday.

MOTION - Return LB 925 to Select File

Senator Friend moved to return LB 925 to Select File for the following Friend-Dw. Pedersen specific amendment:
AM3236

(Amendments to E & R amendments, AM7208)

1. On page 17, line 11, strike "ten" and insert "two" and strike "two" and insert "one"; and in line 12 strike "forty" and insert "twenty".

2. On page 18, line 23, before "fifteen" insert "at least

two years but not more than".

3. On page 21, line 1, before "fifteen" insert "at least five years but not more than".

The Friend motion to return prevailed with 39 ayes, 0 nays, and 10 present and not voting.

SELECT FILE

LEGISLATIVE BILL 925. The Friend-Dw. Pedersen specific amendment, AM3236, found in this day's Journal, was adopted with 40 ayes, 0 nays, and 9 present and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1175. Senator Chambers withdrew his pending motion, found on page 1019, to bracket until April 7, 2006.

Senator Chambers withdrew his pending amendment, FA605, found on page 1019.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 874. E & R amendment, AM7156, found on page 601, was adopted.

Senator Beutler offered the following amendment:
AM3239

1. On page 11, line 16, after "pesticide" insert "to implement a strategy to prevent, monitor, evaluate, and mitigate (a) any occurrence of the pesticide or pesticide breakdown products in ground water and surface water in the state or (b) any other unreasonable adverse effect of the pesticide on humans or the environment".

2. On page 13, line 16, after "(43)" insert "Unreasonable adverse effect on humans or the environment means any unreasonable risk to humans or the environment taking into account the severity and longevity of adverse effects of use of the pesticide and also taking into account the economic, social, and environmental costs and benefits of the use of the pesticide. The costs and benefits of a public health pesticide shall also weigh any risks of the use of the pesticide against the health risks to be mitigated or controlled by the use of the pesticide;

(44)"; and in line 20, strike "(44)", show as stricken and insert "(45)".

3. On page 14, strike beginning with "for" in line 13 through the period in line 15, show as stricken, and insert an underscored period.

4. On page 15, line 10, strike "may", show as stricken,

and insert "shall".

5. On page 16, line 19, strike "and" and show as stricken.

6. On page 17, line 2, after the semicolon insert "and

(f) A pesticide management plan may impose progressively more rigorous pesticide management practices to address any unreasonable adverse effect of pesticides on humans or the environment. When appropriate, a pesticide management plan may establish action levels for imposition of such progressively more rigorous management practices based upon measurable indicators of the adverse effect on humans or the environment;".

The Beutler amendment was adopted with 31 ayes, 0 nays, and 18 present and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1227. E & R amendment, AM7206, found on page 1351, was adopted.

Senator Mines withdrew his pending amendment, AM3079, found on page 1427.

Senator Mines renewed his pending amendment, AM3150, found on page 1537.

Senator Mines withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1039. E & R amendment, AM7228, found on page 1565, was adopted.

Senator Kremer renewed his pending amendment, AM3195, found on page 1567.

Senator Kremer withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 272CA. Considered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 940. E & R amendment, AM7209, found on page 1351, was adopted.

Senator Schimek renewed her pending amendment, AM3036, found on page 1397.

The Schimek amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 489. E & R amendment, AM7212, printed separately and referred to on page 1361, was adopted.

Speaker Brashear requested to pass over LB 489.

REPORT OF THE EXECUTIVE BOARD

2006 Resolutions calling for an Interim Study

LR 450 Interim study to examine issues relating to the Nebraska Environmental Trust
Natural Resources

(Signed) L. Patrick Engel, Chairperson
Legislative Council, Executive Board

SELECT FILE

LEGISLATIVE BILL 1248. E & R amendment, AM7216, printed separately and referred to on page 1566, was adopted.

Senator Jensen renewed his pending amendment, AM3007, found on page 1410.

The Jensen amendment was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Senator Jensen withdrew his pending amendment, AM2913, found on page 1551.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1248A. Senator Jensen offered the following amendment:
AM3191

1. Insert the following new sections:

Sec. 2. There is hereby appropriated $108,500 from the General Fund and $108,500 from federal funds for FY2006-07 to the Department of Health and Human Services Finance and Support, for Program 341, to aid in carrying out the provisions of Legislative Bill 1248, Ninety-ninth Legislature, Second Session, 2006.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 3. There is hereby appropriated $50,000 from the Nebraska Health Care Cash Fund for FY2006-07 to the Legislative Council, for Program 122, to aid in carrying out the provisions of Legislative Bill 1248, Ninety-ninth Legislature, Second Session, 2006.

There is included in this appropriation $50,000 Cash Funds from the Nebraska Health Care Cash Fund for an independent study and actuarial analysis of behavioral health insurance parity.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

The Jensen amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1113. E & R amendment, AM7217, found on page 1415, was adopted.

Senator Aguilar renewed his pending amendment, AM3046, found on page 1394.

The Aguilar amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Senator Schrock renewed his pending amendment, AM3114, found on page 1503.

Speaker Brashear requested to pass over LB 1113.

LEGISLATIVE BILL 385. E & R amendment, AM7220, printed separately and referred to on page 1430, was adopted.

Senator Johnson asked unanimous consent to withdraw the Chambers pending amendment, FA673, found on page 1445, and replace it with the Chambers substitute amendment, FA677. No objections. So ordered.

FA677

Amendment to AM7220

Page 6, line 13 after "section 28-507" insert "provided that the real estate is a dwelling place intended for human occupancy".

The Chambers amendment was adopted with 33 ayes, 0 nays, and 16 present and not voting.

Senator Johnson renewed his pending amendment, AM3087, found on page 1490.

The Johnson amendment was adopted with 34 ayes, 0 nays, and 15 present

and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 385A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 489. Senator Wehrbein withdrew the Wehrbein-Cunningham pending amendments, AM2941 and AM2981, printed separately and referred to on pages 1347 and 1395.

Senator Cunningham renewed his pending amendment, AM3091, found on page 1484.

The Cunningham amendment was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Senator Brown withdrew her pending amendment, AM3105, found on page 1485.

Senator Synowiecki offered the following amendment:
(Amendment, AM3224, is on file and available in the Clerk's Office, Room 2014.)

The Synowiecki amendment was adopted with 26 ayes, 2 nays, 20 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 924. E & R amendment, AM7219, found on page 1416, was adopted.

Senator Beutler renewed his pending amendment, AM3073, found on page 1435.

The Beutler amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Senator Beutler withdrew his pending amendment, AM3074, found on page 1435.

Senator Beutler offered the following amendment:
AM3143

(Amendments to E & R amendments, AM7219)

1. On page 2, line 9, after "make" insert "all or a major portion of".

The Beutler amendment was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Senator Redfield offered the following amendment:
AM3154

(Amendments to E & R amendments, AM7219)

1. Insert the following new section:

Sec. 3. Section 76-704.01, Reissue Revised Statutes of Nebraska, is amended to read:

76-704.01 A petition filed pursuant to section 76-704, shall include:

(1) A statement of the authority for the acquisition;

(2) The nature of and necessity and purpose for which the land will be used;

(3) The title, right, or interest in the property to be acquired;

(4) The quantity needed to fulfill the public purpose for which taken;

(5) Reasons for selecting the particular location or route;

(6) Evidence of attempts to negotiate in good faith with the property owner; and

(7) If approval of any other agency is required the condemner should set forth the approval in writing of such agency.

If the petition seeks to condemn property for an economic development purpose under subdivision (3)(g) of section 2 of this act, the condemner shall prove by clear and convincing evidence that the condemnation is for a public use.

2. On page 3, line 26, after "76-701" insert ", 76-704.01,".

3. Renumber the remaining sections accordingly.

SPEAKER BRASHEAR PRESIDING

SENATOR CUDABACK PRESIDING

Senator Redfield withdrew her amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 489A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 845. E & R amendment, AM7214, found on page 1362, was adopted.

Senator Cunningham withdrew his pending amendment, AM2327, found on page 796.

Senator Kruse renewed his pending amendment, AM2996, found on page 1381.

The Kruse amendment was adopted with 30 ayes, 1 nay, 17 present and not

voting, and 1 excused and not voting.

Senator Landis renewed the Landis-Cunningham pending amendment, AM3028, found on page 1386.

The Landis-Cunningham amendment was adopted with 28 ayes, 0 nays, and 21 present and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 845A. Advanced to E & R for engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 451. Introduced by Flood, 19.

WHEREAS, Jerry Huse was born on January 17, 1927; and

WHEREAS, Jerry Huse married Karla Schnurr on December 30, 1957, and the couple are the parents of Bill Huse and Beth Olsen and are the grandparents of seven grandchildren; and

WHEREAS, Jerry Huse has continued his family's commitment to the citizens of northeast Nebraska by owning and operating one of the state's finest daily newspapers, the Norfolk Daily News; and

WHEREAS, Jerry Huse became the youngest daily newspaper publisher in the state when he was twenty-nine, and now at seventy is the oldest daily newspaper publisher; and

WHEREAS, Jerry Huse founded the Greater Norfolk Corporation, the industrial land corporation of the Chamber of Commerce, in 1952, and still serves as the President; and

WHEREAS, Jerry Huse was instrumental in attracting Nucor's first plant, Vulcraft, to the Norfolk area, and he also served as co-chairman of the drive to locate Northeast Community College in Norfolk; and

WHEREAS, Jerry Huse has been given various awards through his years of service to northeast Nebraska, including the Norfolk Chamber of Commerce "Award of the Decade," the only such award ever bestowed, the Ed Vrzal Award for his outstanding community service to Norfolk, and the Lavitsef Award in recognition of a lifetime of service; and

WHEREAS, Jerry Hust has served as chairman of countless community committees organized to support organizations in northeast Nebraska, including the Elkhorn Valley Museum, the Faith Regional Health Services Carson Radiation Center, and the Norfolk YMCA.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Jerry Huse be recognized and honored for his commitment and service to northeast Nebraska.

2. That a copy of this resolution be delivered to Mr. Jerry Huse.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills and resolution were correctly engrossed: LBs 925, 1039, 1227, and LR 272CA.

ER9102

Enrollment and Review Change to LB 925

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7208, on page 31, lines 11 and 12 and 18 "60-498.02, 60-4,118.06," has been struck; in lines 14 and 20 and 21 "sections 28-306 and 83-1,127.02" has been struck and "section 28-306" inserted; and in lines 26 and 27 ", administrative license revocation," has been struck.

(Signed) Michael Flood, Chairperson

SELECT FILE

LEGISLATIVE BILL 1249. E & R amendment, AM7223, found on page 1539, was adopted.

Senator Bourne asked unanimous consent to withdraw his pending amendment, AM2231, found on page 643, and replace it with the Friend substitute pending amendment, AM3162, found on page 1538. No objections. So ordered.

The Friend amendment was adopted with 25 ayes, 0 nays, and 24 present and not voting.

Senator Bourne withdrew his pending amendments, AM2218 and AM2216, found on page 644.

Senator Bourne withdrew his pending amendment, AM2217, printed separately and referred to on page 645.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 239. E & R amendment, AM7211, found on page 1361, was adopted.

Senator Schimek withdrew her pending amendment, AM1792, found on page 1347.

Senator Erdman withdrew his pending amendment, FA651, found on page

1347.

Senator Erdman withdrew his pending amendment, FA652, found on page 1347.

Senator Erdman offered the following amendment:
FA690

Amendment to AM7211
On page 1, line 2, strike "2006" and insert "2008"

Senator Erdman withdrew his amendment.

Senator Beutler moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Smith requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 26 ayes, 19 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 821. E & R amendment, AM7229, found on page 1579, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1256. E & R amendment, AM7213, printed separately and referred to on page 1359, was adopted.

Senator Brashear renewed his pending amendment, AM3222, found on page 1575.

The Brashear amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Senator Beutler offered the following amendment:
AM3242

(Amendments to E & R amendments, AM7213)

1. On page 10, line 9, strike "Place" and insert "Irrevocably commit, subject to subdivision (4)(a) of this section,"; and in line 10 after "endowment" insert "to be used solely".

The Beutler amendment was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1256A. E & R amendment, AM7215, found on page 1399, was adopted.

Advanced to E & R for engrossment.

MESSAGES FROM THE GOVERNOR

April 11, 2006

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 85, 85A, 542e, 605e, 605Ae, 690, 690A, 746, 795e, 872, 990, 996, 996A, 1086, 1208, and 1208A were received in my office on April 5, 2006.

I signed these bills and delivered them to the Secretary of State on April 11, 2006.

Sincerely,
(Signed) Dave Heineman
Governor

April 11, 2006

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I have signed LB 1086; however, I am returning LB 1086A with my objections and without my signature.

I signed LB 1086 because I support creating the crimes of solicitation and human trafficking and setting appropriate penalties for those who commit these crimes.

I object to the provisions of the bill that create a new state-financed benefit program for individuals who participate in prostitution-related activities as defined by LB 1086. Creating a program financed with state General Funds to benefit a population that is engaged in illegal activity is objectionable public policy and certainly should not be a spending priority for our state. In

the next legislative session, I will request that legislation be introduced to eliminate this program.

For these reasons, I urge you to sustain my veto of LB 1086A.

Sincerely,
(Signed) Dave Heineman
Governor

April 11, 2006

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I have signed LB 990; however, I am returning LB 990A without my signature and with my objections.

LB 990A appropriates $7,315 of General Funds in both FY2006-07 and FY2007-08 to the Department of Agriculture to carry out the provisions of LB 990. The salary limitation for the department is increased by $4,670 in both fiscal years. A review of the department's budget demonstrates that the agency is able to absorb this cost within its current budget.

For these reasons, I urge you to sustain my veto of this bill.

Sincerely,
(Signed) Dave Heineman
Governor

April 11, 2006

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 817 and LB 817Ae without my signature and with my objections.

LB 817 would provide salary increases for seven of the State's constitutional officers, effective January 4, 2007. The Governor's salary would be increased by 23.5 percent. While I appreciate your willingness to consider the competitiveness of salary levels of our constitutional officers with those

of other states, these salaries were last increased only three years ago and do not represent a spending priority for our state at this time.

For these reasons, I urge you to sustain my vetoes of these bills.

Sincerely,
(Signed) Dave Heineman
Governor

April 11, 2006

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 366 without my signature and with my objections.

Priorities for the allocation of our limited financial resources must be established. This responsibility includes the need to review all legislation enacted or being considered by the Legislature that commits to the expenditure of state funds. While LB 366 is meritorious in that it attempts to address the recruitment and retention of state and local government employees, the bill creates costly new benefits and a new commitment of state funds that should not be made at this time given the many other demands we are facing.

For these reasons, I urge you to sustain my veto of LB 366.

Sincerely,
(Signed) Dave Heineman
Governor

April 11, 2006

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I have signed LB 872; however, I am returning LB 872A with certain line-item reductions.

LB 872A appropriates $80,187 in General Funds to the Department of Revenue in FY2006-07 to revise state income tax filing forms, as well as an

ongoing $1,653 in General Funds for processing expenses in FY2007-08. Several bills passed this session contain provisions requiring the Department of Revenue to update tax forms. In part, the appropriation presented in LB 872A duplicates agency costs that have been accounted for in LB 968A, which has already been enacted. The agency's costs for updating the individual income tax form is an example of such duplication; therefore, I have reduced LB 872A by $41,635 in FY2006-07, and $1,653 in FY2007-08. This action would still provide $38,552 in FY2006-07 to account for costs that will be incurred to change the fiduciary and corporate tax forms.

For these reasons, I urge you to sustain my line-item reductions to LB 872A.

Sincerely,
(Signed) Dave Heineman
Governor

April 11, 2006

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

With this letter, I am returning LB 746A with certain line-item reductions.

I have vetoed $145,000 of General Funds in FY2006-07 and $200,000 of General Funds in FY2007-08 which are proposed for the creation and funding of a new Civil Legal Services Fund within the Supreme Court.

After my vetoes, LB 746A will provide total new funding for civil legal services of $200,000 in FY2006-07 and $290,000 in FY2007-08.

Currently, a civil legal services grant program exists within the Commission on Public Advocacy. This legal aid program, funded by a $5 court fee, already has an annual appropriation of $1,900,000. My reductions are made, therefore, because LB 746A creates a duplicative second state grant program to finance the provision of civil legal services to eligible, low-income individuals. In addition, we have historically financed these services from dedicated court fees. I believe it is unwise to begin the practice of supplementing this financing with state General Funds.

I have left $55,000 of General Funds in FY2006-07 in the program only because the new $1 court fee that will fund these services does not begin to phase-in until January 1, 2007.

For these reasons, I urge you to sustain my line-item reductions to LB 746A.

Sincerely,
(Signed) Dave Heineman
Governor

April 11, 2006

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I have signed LB 542e; however, I am returning LB 542Ae with certain line-item reductions.

LB 542Ae appropriates $250,000 of General Funds to the Legislative Council for FY2006-07 to aid the Tax Policy Reform Commission in carrying out its duties. However, LB 542e prohibits funding for the commission from exceeding $100,000. Therefore, I am reducing the appropriation contained in LB 542Ae from $250,000 to $100,000 to conform to the substantive law.

I urge you to sustain my line-item veto of this bill.

Sincerely,
(Signed) Dave Heineman
Governor

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: LB 965A.

Correctly Engrossed

The following bills were correctly engrossed: LBs 874, 940, 1175, 1248, and 1248A.

ER9105

Enrollment and Review Change to LB 1248

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Jensen amendment, AM3007, section 87 has been renumbered as section 89.

2. On page 2, line 6, "provide for a study relating to behavioral health insurance parity legislation; to" has been inserted after the first "to".

(Signed) Michael Flood, Chairperson

SELECT FILE

LEGISLATIVE BILL 1006. E & R amendment, AM7207, found on page 1359, was adopted.

Senator Brashear renewed his pending amendment, AM3223, found on page 1575.

The Brashear amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Senator Beutler offered the following amendment:
AM3250

(Amendments to AM3223)

1. On page 3, after line 27 insert the following new subdivision:

"(e) If the annual income from twenty million dollars of private funding is not irrevocably committed by July 1, 2011, to the use of the early childhood education endowment fund, then the forty-million-dollar allocation pursuant to subdivision (3)(b) of this section may revert to the use of the common schools as the Legislature shall determine.".

The Beutler amendment was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1113. Senator Schrock withdrew his pending amendment, AM3114, found on page 1503 and considered in this day's Journal.

Senator Schrock withdrew his pending amendments, AM3138, AM3120, AM3117, AM3115, AM3118, AM3135, AM3116, AM3119, and AM3218, found on pages 1503, 1504, 1505, 1506, 1507, and 1574.

Senator Hudkins offered the following amendment:
AM3217

(Amendments to Standing Committee amendments, AM2785)

1. Insert the following new sections:

Sec. 20. Section 28-101, Revised Statutes Cumulative Supplement, 2004, is amended to read:

28-101 Sections 28-101 to 28-1350 and section 21 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 21. (1) Any person who, in violation of the visitation provisions of a valid court order pertaining to child custody, detains or conceals a child with the intent to deprive another person of his or her rights to visitation shall be guilty of unlawful visitation interference.

(2) Unlawful visitation interference is a Class V misdemeanor for the first offense and a Class IIIA misdemeanor for any subsequent conviction.

(3) It shall be an affirmative defense to prosecution under this section that:

(a) The person acted in the reasonable belief that he or she was protecting the child from imminent physical harm, and the person's actions were a reasonable response to such anticipated harm;

(b) The person acted with the mutual consent of all persons having a right to custody or visitation of the child; or

(c) The person acted in a manner otherwise authorized by law.

(4) Proof of conviction under this section shall be admissible as evidence in a civil action.

Sec. 55. Sections 20, 21, 55, 56, and 58 of this act become operative on their effective date. The other sections of this act become operative three calendar months after adjournment of this legislative session.

Sec. 56. Original section 28-101, Revised Statutes Cumulative Supplement, 2004, is repealed.

Sec. 58. Since an emergency exists, this act takes effect when passed and approved according to law.

2. Renumber the remaining sections and correct internal references accordingly.

Senator Hudkins withdrew her amendment.

Senators Mines and Schrock offered the following amendment: AM3256

(Amendments to Standing Committee amendments, AM2785)

1. Strike section 14 and insert the following new section:

Sec. 14. (1) A district shall permit public use of those portions of a water project located on lands owned by the district and on land over which the district has a lease or an easement permitting use thereof for public recreational purposes. All recreational users of such portions of a water project shall abide by the applicable rules and regulations adopted and promulgated by the board.

(2) The district shall provide public access for recreational use at designated access points at any water project. Recreational users, whether public or private, shall abide by all applicable rules and regulations for use of the

water project adopted and promulgated by the district or the political subdivision in which the water project is located. Public recreational users may only access the water project through such designated access points. Nothing in this subsection shall require public access when the portion of the project cost paid by the natural resources district with public funds does not exceed twenty percent of the total cost of the project.

(3) For purposes of this section water project means a project with cooperators or others, as authorized in section 2-3235, that results in construction of a reservoir or other body of water having a permanent pool suitable for recreational purposes greater than one hundred fifty surface acres, the construction of which commenced after the effective date of this act. Water project shall not mean soil conservation projects, wetlands projects, or other district projects with cooperators or others that do not have a recreational purpose.

2. On page 7, line 11, after "owns" insert "land or has a lease or an easement permitting the use of land for public"; strike from the second comma through "for" in line 12 and show as stricken; in line 13 strike the first "and" and show as stricken; strike "unless" in line 15 through the period in line 16, show as stricken and insert an underscored period; and strike "shall" in line 18 through "purposes" in line 20, show as stricken, and insert "means land owned by the district or over which a district has a lease or an easement permitting the use thereof for public recreational purposes which the board authorizes to be used for such purposes.".

3. On page 9, line 9, strike "guarantee" and insert "provide"; in line 10 after "public" insert "recreational"; in line 11 after "points" insert "and shall be equal to the right of access for recreational use held by adjacent landowners".

4. On page 15, line 4, strike "any accredited" and insert "a"; and in line 5 after "center" insert "which has received or is in the process of receiving accreditation".

5. On page 51, lines 10 and 11, strike the new matter.

The Mines-Schrock amendment was adopted with 31 ayes, 0 nays, and 18 present and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1113A. Senator Bourne offered the following amendment:

AM3071

1. Insert the following new sections:

Sec. 3. There is hereby appropriated $22,500 from the General Fund for FY2006-07 to the Department of Health and Human Services, for Program 33, to aid in carrying out the provisions of Legislative Bill 1113, Ninety-ninth Legislature, Second Session,

2006.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 4. There is hereby appropriated (1) $150,000 from the General Fund for FY2006-07 and (2) $150,000 from the General Fund for FY2007-08 to the Attorney General, for Program 507, to aid in carrying out the provisions of Legislative Bill 1113, Ninety-ninth Legislature, Second Session, 2006.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

The Bourne amendment was adopted with 28 ayes, 0 nays, and 21 present and not voting.

Advanced to E & R for engrossment.

EASE

The Legislature was at ease from 6:37 p.m. until 6:43 p.m.

SELECT FILE

LEGISLATIVE BILL 1024. E & R amendment, AM7230, on file and referred to in this day's Journal, was adopted.

Senator Heidemann offered the following amendment:
AM3237

(Amendments to Standing Committee amendments, AM2687)

1. On page 108, line 14, after "equal" insert "the greater of (a)"; and in line 20 after "grouping" insert "or (b) if the school district's general fund levy was at or above ninety-nine cents per one hundred dollars of valuation for the previous year, the school district's prior year formula needs multiplied by one hundred percent".

SENATOR BAKER PRESIDING

SENATOR CUDABACK PRESIDING

Senator Heidemann withdrew his amendment.

Senators Raikes and Chambers offered the following amendment:
(Amendment, AM3258, is on file and available in the Clerk's Office, Room 2014.)

Senator Howard requested a division of the question on the Raikes-Chambers amendment.

The Chair ruled that the question is not divisible, in that the Raikes-Chambers amendment, AM3258, had been designated by the Speaker for consideration, pursuant to Rule 1, Section 17.

Senator Synowiecki challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Brown moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

The Synowiecki motion to overrule the Chair failed with 8 ayes, 29 nays, and 12 present and not voting.

The Chair was sustained.

The Raikes-Chambers pending amendment, AM3258, on file and referred to in this day's Journal, was renewed.

Senator D. Pederson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Raikes-Chambers amendment was adopted with 30 ayes, 12 nays, and 7 present and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 385, 385A, 845, 845A, and 924.

(Signed) Michael Flood, Chairperson

MOTIONS - Print in Journal

Senator Chambers filed the following motion to LB 817:
That LB 817 becomes law notwithstanding the objections of the Governor.

Senator Stuhr filed the following motion to LB 366:
That LB 366 becomes law notwithstanding the objections of the Governor.

SELECT FILE

LEGISLATIVE BILL 1024. Senator Raikes offered the following motion: Suspend the rules, Rule 6, Section 5 and Rule 7, Sections 3 and 7, and vote on the advancement of LB 1024 without further amendment, motion, or debate.

Senator Baker moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Bourne requested a roll call vote on the Raikes motion to suspend the rules.

Voting in the affirmative, 31:

Aguilar	Engel	Johnson	Pahls	Stuhr
Baker	Erdman	Kremer	Pedersen, Dw.	Stuthman
Burling	Fischer	Kruse	Pederson, D.	Wehrbein
Byars	Heidemann	Landis	Raikes	
Chambers	Hudkins	Langemeier	Redfield	
Cudaback	Janssen	Louden	Schrock	
Cunningham	Jensen	McDonald	Smith	

Voting in the negative, 12:

Bourne	Cornett	Friend	Preister
Brashear	Flood	Howard	Synowiecki
Connealy	Foley	Mines	Thompson

Present and not voting, 6:

Beutler	Combs	Price
Brown	Kopplin	Schimek

The Raikes motion to suspend the rules prevailed with 31 ayes, 12 nays, and 6 present and not voting.

Advanced to E & R for engrossment with 32 ayes, 13 nays, and 4 present and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1024A. Senator Raikes offered the following amendment:
AM3178

1. Strike section 1 and insert the following new section:

Section 1. There is hereby appropriated (1) $36,260 from the General Fund for FY2006-07 and (2) $1,650 from the General Fund for FY2007-08 to the Secretary of State, for Program 22, to aid in carrying out the provisions of Legislative Bill 1024, Ninety-ninth Legislature, Second Session, 2006.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

The Raikes amendment was adopted with 29 ayes, 6 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 239, 489, 489A, 821, 1006, 1249, 1256, and 1256A.

ER9107

Enrollment and Review Change to LB 489

The following changes, required to be reported for publication in the Journal, have been made:

1. Changes have been made as necessary to incorporate all adopted amendments.

ER9108

Enrollment and Review Change to LB 1256

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Brashear amendment, AM3222, on page 1, line 20, "84-613" has been struck and "84-612" inserted.

2. In the E & R amendments, AM7213, on page 2, line 27, the period has been struck and shown as stricken and an underscored semicolon inserted.

(Signed) Michael Flood, Chairperson

EASE

The Legislature was at ease from 9:51 p.m. until 10:43 p.m.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 1024, 1024A, 1113, and 1113A.

ER9110

Enrollment and Review Change to LB 1024

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Raikes amendment, AM3258:

a. On page 4, line 11, "thereafter" has been inserted after "year";

b. On page 14, line 10, "the" has been inserted after the last "of";

c. On page 109, line 25, the stricken "79-1007.01" has been reinstated and "75 of this act" has been struck; and

d. On page 110, line 11, "needs" has been struck and "need" inserted.

2. In the E & R amendments, AM7230:

a. On page 157, lines 19 and 20, "77-1810, 77-1811, 77-1936," has been struck; and

b. On page 158, line 1, "and" has been struck; in line 3 "79-1003," and "79-1007.02," have been struck; and in line 4 ", and sections 79-1003 and 79-1007.02, Revised Statutes Supplement, 2005, as amended by sections 4 and 5, respectively, Legislative Bill 1208, Ninety-ninth Legislature, Second Session, 2006" has been inserted after "2005".

ER9109

Enrollment and Review Change to LB 1113

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7217, on page 2, line 2, "23-1824," has been inserted after the second comma; and in line 7 "autopsies," has been inserted after the second comma.

(Signed) Michael Flood, Chairperson

VISITORS

Visitors to the Chamber were 13 students and teacher from St. Joseph's Elementary School, York; Herb and Ardys Roszhart from Aurora; exchange students from Samara, Russia; 37 fourth-grade students and teachers from Homer; and Don and Xuella Pavelka from Eufaula, Oklahoma and Denise Leonard from Lincoln.

The Doctor of the Day was Dr. Ashley Falk from Omaha.

ADJOURNMENT

At 10:44 p.m., on a motion by Senator Baker, the Legislature adjourned until 9:00 a.m., Wednesday, April 12, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-NINTH DAY - APRIL 12, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 12, 2006

PRAYER

The prayer was offered by Senator Smith.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Brown, Kopplin, Landis, and Synowiecki who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-eighth day was approved.

ANNOUNCEMENT

Speaker Brashear announced today is Senator Cudaback's birthday.

MOTIONS - Approve Appointments

Senator Stuhr moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 1365:

State Investment Officer
David L. Bomberger

Voting in the affirmative, 36:

Aguilar	Cudaback	Howard	Pahls	Stuhr
Baker	Cunningham	Hudkins	Pederson, D.	Stuthman
Bourne	Erdman	Janssen	Preister	Thompson
Burling	Fischer	Jensen	Price	Wehrbein
Byars	Flood	Johnson	Raikes	
Combs	Foley	Kremer	Redfield	
Connealy	Friend	Louden	Schrock	
Cornett	Heidemann	McDonald	Smith	

Voting in the negative, 0.

Present and not voting, 9:

Beutler	Chambers	Kruse	Mines	Schimek
Brashear	Engel	Langemeier	Pedersen, Dw.	

Excused and not voting, 4:

Brown	Kopplin	Landis	Synowiecki

The appointment was confirmed with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Senator Raikes moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1393:
Board of Educational Lands and Funds
Charles Ward

Voting in the affirmative, 39:

Aguilar	Cornett	Friend	Langemeier	Redfield
Baker	Cudaback	Heidemann	McDonald	Schimek
Bourne	Cunningham	Howard	Mines	Schrock
Burling	Engel	Hudkins	Pahls	Smith
Byars	Erdman	Jensen	Pedersen, Dw.	Stuhr
Chambers	Fischer	Johnson	Pederson, D.	Stuthman
Combs	Flood	Kopplin	Preister	Wehrbein
Connealy	Foley	Kremer	Raikes	

Voting in the negative, 0.

Present and not voting, 7:

Beutler	Janssen	Louden	Thompson
Brashear	Kruse	Price	

Excused and not voting, 3:

Brown	Landis	Synowiecki

The appointment was confirmed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Senator Raikes moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1393:
Nebraska Educational Telecommunications Commission
Dennis W. Miller Jr.

Voting in the affirmative, 42:

Aguilar	Cudaback	Howard	McDonald	Schimek
Baker	Cunningham	Hudkins	Mines	Schrock
Beutler	Engel	Jensen	Pahls	Stuhr
Burling	Erdman	Johnson	Pedersen, Dw.	Stuthman
Byars	Fischer	Kopplin	Pederson, D.	Thompson
Chambers	Flood	Kremer	Preister	Wehrbein
Combs	Foley	Landis	Price	
Connealy	Friend	Langemeier	Raikes	
Cornett	Heidemann	Louden	Redfield	

Voting in the negative, 0.

Present and not voting, 5:

Bourne	Brashear	Janssen	Kruse	Smith

Excused and not voting, 2:

Brown	Synowiecki

The appointment was confirmed with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Senator Raikes moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1553:
Nebraska Educational Telecommunications Commission
Steven E. Titus

Senator Raikes moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Voting in the affirmative, 25:

Baker	Engel	Hudkins	Kremer	Raikes
Brashear	Erdman	Janssen	Kruse	Smith
Burling	Fischer	Jensen	Langemeier	Stuhr
Byars	Flood	Johnson	McDonald	Stuthman
Cudaback	Heidemann	Kopplin	Price	Wehrbein

Voting in the negative, 6:

Aguilar	Chambers	Redfield
Bourne	Cunningham	Schrock

Present and not voting, 16:

Beutler	Foley	Louden	Pederson, D.
Combs	Friend	Mines	Preister
Connealy	Howard	Pahls	Schimek
Cornett	Landis	Pedersen, Dw.	Thompson

Excused and not voting, 2:

Brown	Synowiecki

The appointment was confirmed with 25 ayes, 6 nays, 16 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Schimek moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 1565:

Accountability and Disclosure Commission

Judy Schweikart

Voting in the affirmative, 41:

Aguilar	Cunningham	Hudkins	McDonald	Schrock
Baker	Engel	Janssen	Pahls	Stuhr
Brown	Erdman	Jensen	Pedersen, Dw.	Stuthman
Burling	Fischer	Johnson	Pederson, D.	Thompson
Byars	Flood	Kopplin	Preister	Wehrbein
Chambers	Foley	Kremer	Price	
Connealy	Friend	Kruse	Raikes	
Cornett	Heidemann	Landis	Redfield	
Cudaback	Howard	Louden	Schimek	

Voting in the negative, 0.

Present and not voting, 7:

Beutler	Brashear	Langemeier	Smith
Bourne	Combs	Mines	

Excused and not voting, 1:

Synowiecki

The appointment was confirmed with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

Senator Jensen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 1584:

Child Abuse Prevention Fund Board
Patricia Madsen

Voting in the affirmative, 34:

Brown	Erdman	Hudkins	Landis	Schimek
Burling	Fischer	Janssen	Langemeier	Schrock
Byars	Flood	Jensen	Pahls	Smith
Cornett	Foley	Johnson	Pedersen, Dw.	Stuhr
Cudaback	Friend	Kopplin	Pederson, D.	Stuthman
Cunningham	Heidemann	Kremer	Price	Wehrbein
Engel	Howard	Kruse	Raikes	

Voting in the negative, 0.

Present and not voting, 14:

Aguilar	Bourne	Combs	McDonald	Redfield
Baker	Brashear	Connealy	Mines	Thompson
Beutler	Chambers	Louden	Preister	

Excused and not voting, 1:

Synowiecki

The appointment was confirmed with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1199 with 41 ayes, 2 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1199.

A BILL FOR AN ACT relating to sex offenses; to amend sections 28-319,

29-2028, 29-2221, 42-1203, 71-1,206.14, 71-1,206.18, 71-1,206.34, 71-6908, 79-267, 83-1,100, and 83-1,103, Reissue Revised Statutes of Nebraska, sections 28-101, 28-111, 28-311, 28-318, 28-320.01, 28-320.02, 28-707, 29-119, 29-1926, 29-2290, 29-2923, 29-4001, 29-4005, 29-4006, 29-4007, 29-4011, 29-4103, 71-916, 71-917, 71-918, 71-919, 71-942, 71-944, 71-945, 71-946, 71-947, 71-948, 71-949, 71-954, 71-956, 71-957, 71-958, 71-959, 71-960, 71-961, 71-962, 80-601, 81-1850, 83-338, 83-351, 83-364, 83-376, and 83-933, Revised Statutes Cumulative Supplement, 2004, and sections 29-110, 29-4003, 29-4004, 29-4009, 29-4013, 71-1128, 83-1,102, 83-1,135, and 83-4,143, Revised Statutes Supplement, 2005; to create the offenses of sexual assault of a child in the first, second, and third degrees; to provide penalties; to change provisions relating to sex offenses and the Sex Offender Registration Act; to adopt the Sexual Predator Residency Restriction Act and the Sex Offender Commitment Act; to provide duties for authorities with respect to the release of certain sex offenders; to provide for lifetime community supervision of certain sex offenders as prescribed; to provide duties for the Office of Parole Administration and parole officers; to change provisions relating to the Nebraska Treatment and Corrections Act; to provide duties for sentencing courts; to establish a working group; to provide a termination date; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Aguilar	Cornett	Howard	Louden	Schimek
Baker	Cudaback	Hudkins	McDonald	Schrock
Beutler	Cunningham	Janssen	Mines	Smith
Bourne	Engel	Jensen	Pahls	Stuhr
Brashear	Erdman	Johnson	Pedersen, Dw.	Stuthman
Brown	Fischer	Kopplin	Pederson, D.	Thompson
Burling	Flood	Kremer	Preister	Wehrbein
Byars	Foley	Kruse	Price	
Combs	Friend	Landis	Raikes	
Connealy	Heidemann	Langemeier	Redfield	

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Synowiecki

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1199A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1199, Ninety-ninth Legislature, Second Session, 2006.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Aguilar	Cudaback	Howard	Louden	Redfield
Baker	Cunningham	Hudkins	McDonald	Schimek
Bourne	Engel	Janssen	Mines	Schrock
Brown	Erdman	Jensen	Pahls	Smith
Burling	Fischer	Johnson	Pedersen, Dw.	Stuhr
Byars	Flood	Kopplin	Pederson, D.	Stuthman
Combs	Foley	Kruse	Preister	Thompson
Connealy	Friend	Landis	Price	Wehrbein
Cornett	Heidemann	Langemeier	Raikes	

Voting in the negative, 0.

Present and not voting, 4:

Beutler	Brashear	Chambers	Kremer

Excused and not voting, 1:

Synowiecki

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1222. With Emergency.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-442, 86-443, 86-456, 86-457, 86-459, 86-463, 86-465, and 86-466, Revised Statutes Cumulative Supplement, 2004, and section 86-420, Revised Statutes Supplement, 2005; to provide duties for counties under the Emergency Telephone Communications Systems Act; to define and redefine terms under the Enhanced Wireless 911 Services Act; to adopt and change provisions relating to surcharges and public safety answering points; to provide duties for the Public Service Commission; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Aguilar	Cudaback	Janssen	McDonald	Schimek
Baker	Cunningham	Jensen	Mines	Schrock
Brashear	Engel	Johnson	Pahls	Stuhr
Brown	Fischer	Kopplin	Pedersen, Dw.	Thompson
Burling	Flood	Kremer	Pederson, D.	Wehrbein
Byars	Friend	Kruse	Preister	
Combs	Heidemann	Landis	Price	
Connealy	Howard	Langemeier	Raikes	
Cornett	Hudkins	Louden	Redfield	

Voting in the negative, 2:

Erdman	Smith

Present and not voting, 5:

Beutler	Bourne	Chambers	Foley	Stuthman

Excused and not voting, 1:

Synowiecki

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1222A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1222, Ninety-ninth Legislature, Second Session, 2006; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Aguilar	Cunningham	Jensen	Mines	Smith
Baker	Engel	Johnson	Pahls	Stuhr
Brashear	Erdman	Kopplin	Pedersen, Dw.	Stuthman
Burling	Fischer	Kremer	Pederson, D.	Thompson
Byars	Flood	Kruse	Price	Wehrbein
Combs	Friend	Landis	Raikes	
Connealy	Heidemann	Langemeier	Redfield	
Cornett	Hudkins	Louden	Schimek	
Cudaback	Janssen	McDonald	Schrock	

Voting in the negative, 0.

Present and not voting, 7:

Beutler	Brown	Foley	Preister
Bourne	Chambers	Howard	

Excused and not voting, 1:

Synowiecki

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1226 with 38 ayes, 3 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1226. With Emergency.

A BILL FOR AN ACT relating to the environment; to amend sections 46-229.02, 46-229.03, 46-229.04, 46-290, 46-291, 46-294.01, 46-2,112, 46-2,136, 46-655.01, 46-683, 46-691.03, 46-701, 46-706, 46-712, 46-713, 46-714, 46-715, 46-719, 46-739, 46-740, and 61-205, Reissued Revised Statutes of Nebraska, sections 2-945.01, 2-1588, 2-3225, and 2-3240, Revised Statutes Cumulative Supplement, 2004, section 77-3442, Revised Statutes Supplement, 2005, and section 46-602, Reissue Revised Statutes of Nebraska, as amended by section 2, Legislative Bill 508, Ninety-ninth Legislature, Second Session, 2006; to change notice requirements for projects under the Noxious Weed Control Act; to change provisions relating to the Natural Resources Development Fund; to provide and change tax levy authority for natural resources districts; to create the Storm Water Management Plan Program and the Interrelated Water Management Plan Program; to change provisions relating to water appropriations, the Water Policy Task Force, water wells, and the Nebraska Ground Water

Management and Protection Act; to provide powers for the Department of Natural Resources; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Aguilar	Combs	Heidemann	Landis	Price
Baker	Cornett	Howard	Langemeier	Raikes
Beutler	Cudaback	Hudkins	Louden	Schimek
Bourne	Cunningham	Janssen	McDonald	Schrock
Brashear	Engel	Jensen	Mines	Smith
Brown	Erdman	Johnson	Pahls	Stuhr
Burling	Fischer	Kopplin	Pedersen, Dw.	Stuthman
Byars	Flood	Kremer	Pederson, D.	Thompson
Chambers	Foley	Kruse	Preister	Wehrbein

Voting in the negative, 2:

Friend Redfield

Present and not voting, 1:

Connealy

Excused and not voting, 1:

Synowiecki

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1226A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1226, Ninety-ninth Legislature, Second Session, 2006.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Aguilar	Combs	Heidemann	Langemeier	Schimek
Baker	Connealy	Howard	Louden	Schrock
Beutler	Cornett	Hudkins	McDonald	Smith
Bourne	Cudaback	Janssen	Mines	Stuhr
Brashear	Cunningham	Johnson	Pahls	Thompson
Brown	Engel	Kopplin	Pedersen, Dw.	Wehrbein
Burling	Fischer	Kremer	Pederson, D.	
Byars	Flood	Kruse	Preister	
Chambers	Foley	Landis	Raikes	

Voting in the negative, 2:

Friend	Redfield

Present and not voting, 4:

Erdman	Jensen	Price	Stuthman

Excused and not voting, 1:

Synowiecki

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 57. With Emergency.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 60-6,198, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2004; to adopt the Assault of an Unborn Child Act; to provide penalties; to enhance penalties for certain assaults committed on a pregnant woman; to provide a penalty for causing serious bodily injury to an unborn child while driving under the influence; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Aguilar	Cornett	Howard	Louden	Schrock
Baker	Cudaback	Hudkins	McDonald	Smith
Beutler	Cunningham	Janssen	Mines	Stuhr
Bourne	Engel	Jensen	Pahls	Stuthman
Brashear	Erdman	Johnson	Pedersen, Dw.	Thompson
Brown	Fischer	Kopplin	Pederson, D.	Wehrbein
Burling	Flood	Kremer	Preister	
Byars	Foley	Kruse	Raikes	
Combs	Friend	Landis	Redfield	
Connealy	Heidemann	Langemeier	Schimek	

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Price

Excused and not voting, 1:

Synowiecki

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 79.

A BILL FOR AN ACT relating to railroad safety; to amend section 74-1334, Reissue Revised Statutes of Nebraska; to change provisions relating to crossings; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Aguilar	Connealy	Friend	Kruse	Price
Baker	Cornett	Heidemann	Landis	Raikes
Beutler	Cudaback	Howard	Langemeier	Redfield
Brashear	Cunningham	Hudkins	Louden	Schimek
Brown	Engel	Janssen	Mines	Schrock
Burling	Erdman	Jensen	Pahls	Smith
Byars	Fischer	Johnson	Pedersen, Dw.	Stuhr
Chambers	Flood	Kopplin	Pederson, D.	Thompson
Combs	Foley	Kremer	Preister	Wehrbein

Voting in the negative, 0.

Present and not voting, 3:

Bourne	McDonald	Stuthman

Excused and not voting, 1:

Synowiecki

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1148.

A BILL FOR AN ACT relating to schools; to amend section 25-21,280, Revised Statutes Supplement, 2005; to provide for student possession and self-administration of prescription asthma or anaphylaxis medication; to provide immunity; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Aguilar	Connealy	Heidemann	Langemeier	Redfield
Baker	Cornett	Howard	Louden	Schimek
Beutler	Cudaback	Hudkins	McDonald	Schrock
Bourne	Cunningham	Janssen	Mines	Smith
Brashear	Engel	Jensen	Pahls	Stuhr
Brown	Erdman	Johnson	Pedersen, Dw.	Stuthman
Burling	Fischer	Kopplin	Pederson, D.	Synowiecki
Byars	Flood	Kremer	Preister	Thompson
Chambers	Foley	Kruse	Price	Wehrbein
Combs	Friend	Landis	Raikes	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 274CA.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article II, section 1:

II-1 (1) The powers of the government of this state are divided into three distinct departments, the legislative, executive, and judicial, and no person or collection of persons being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted in this Constitution.

(2) Notwithstanding the provisions of subsection (1) of this section, supervision of individuals sentenced to probation, released on parole, or enrolled in programs or services established within a court may be undertaken by either the judicial or executive department, or jointly, as provided by the Legislature.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to permit supervision of individuals sentenced to probation, released on parole, or enrolled in court programs or services by the judicial and executive departments as provided by the Legislature.

For

Against.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 49:

Aguilar	Connealy	Heidemann	Langemeier	Redfield
Baker	Cornett	Howard	Louden	Schimek
Beutler	Cudaback	Hudkins	McDonald	Schrock
Bourne	Cunningham	Janssen	Mines	Smith
Brashear	Engel	Jensen	Pahls	Stuhr
Brown	Erdman	Johnson	Pedersen, Dw.	Stuthman
Burling	Fischer	Kopplin	Pederson, D.	Synowiecki
Byars	Flood	Kremer	Preister	Thompson
Chambers	Foley	Kruse	Price	Wehrbein
Combs	Friend	Landis	Raikes	

Voting in the negative, 0.

Not voting, 0.

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

SPEAKER BRASHEAR PRESIDING

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 440, 443, and 444 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 440, 443, and 444.

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 1199, 1199A, 1222, 1222A, 1226, 1226A, 57, 79, 1148, and LR 274CA.

MESSAGE FROM THE GOVERNOR

April 12, 2006

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 808e, 819, 856, 856A, 898, 904, 956, 956A, 962, 962A, 994e, 994Ae, 1010, 1038, 1107, 1189e, and 1189A were received in my office on April 6, 2006.

I signed these bills and delivered them to the Secretary of State on April 12, 2006.

Sincerely,
(Signed) Dave Heineman
Governor

RESOLUTION

LEGISLATIVE RESOLUTION 452. Introduced by Health and Human Services Committee: Jensen, 20, Chairperson; Byars, 30; Cunningham, 40; Erdman, 47; Howard, 9; Johnson, 37; Stuthman, 22.

PURPOSE: The purpose of this study is to examine and provide recommendations relating to the development and utilization of voluntary emergency medical personnel to assist in responding to natural disasters and other public emergencies. Such study and recommendations shall include, but not be limited to, consideration of the following:

(1) Training and competency of volunteer physicians and other medical personnel;

(2) Liability of voluntary medical personnel;

(3) Planning for sufficient numbers of emergency personnel to adequately respond to major public emergencies; and

(4) Coordinating and integrating volunteer medical reserve corps with the other related federal and state programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

REPORT OF THE EXECUTIVE BOARD

2006 Resolutions calling for an Interim Study

LR 452 Interim study to examine utilization of voluntary emergency medical personnel to assist in responding to natural disasters and other public emergencies
Health and Human Services

(Signed) L. Patrick Engel, Chairperson
Legislative Council, Executive Board

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE RESOLUTION 309. Reported to the Legislature for further consideration.

(Signed) DiAnna R. Schimek, Chairperson

SENATOR CUDABACK PRESIDING

PROPOSED RULES CHANGE

Senator Hudkins renewed her proposed rules change found on page 1034, to Rule 3, Section 3 and Section 6.

The Hudkins proposed rules change was adopted with 33 ayes, 1 nay, 14 present and not voting, and 1 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 449. Read. Considered.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 12, 2006, at 10:52 a.m. were the following: LBs 1199, 1199A, 1222e, 1222Ae, 1226e, 1226A, 57e, 79, and 1148.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on April 12, 2006, at 10:50 a.m. was the following: LR 274CA.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

RESOLUTION

LEGISLATIVE RESOLUTION 453. Introduced by Foley, 29.

WHEREAS, Joseph W. Moylan, a distinguished lawyer, judge, and Nebraskan, passed away on August 13, 2005; and

WHEREAS, Joseph W. Moylan is survived by his beloved wife, Gretchen, by their children Mary, John, Cathy, Theresa, Sheila, and Steve, by his stepson John Paul Schutte, and by fifteen grandchildren; and

WHEREAS, Joseph W. Moylan earned a bachelor's degree from Marquette University and a law degree from Creighton University; and

WHEREAS, Joseph W. Moylan followed his father's example of public service by working as a special attorney general for the State of Nebraska, a private lawyer, and an assistant public defender in Douglas County; and

WHEREAS, Joseph W. Moylan was appointed by Governor J. James Exon to the Douglas County Juvenile Court in 1972; and

WHEREAS, Joseph W. Moylan served honorably as a judge for twenty-one years before retiring due to a matter of conscience; and

WHEREAS, Joseph W. Moylan's life exemplified high standards of honor, ethics, and duty.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature expresses its condolences to the family of Joseph W. Moylan.

2. That a copy of this resolution be sent to the family of Joseph W. Moylan.

Laid over.

VISITORS

Visitors to the Chamber were Jason, Jessica, Brissa, Brittany, Zoe, and Makayla Placek from Wilbur; 65 fourth-grade students and teachers from Plattsmouth; student members of Family Career and Community Leaders of America and sponsors from Sidney; Senator Thompson's son, Kevin, and Senator Jensen's son, Joel, from Omaha; 75 fifth-grade students and teachers from Bellfield Elementary School, Fremont; and 44 fourth-grade students and teachers from Fire Ridge Elementary School, Elkhorn.

RECESS

At 11:57 a.m., on a motion by Senator Brown, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Landis, Dw. Pedersen, and Price who were excused until they arrive.

RESOLUTION

LEGISLATIVE RESOLUTION 449. Considered.

SENATOR JANSSEN PRESIDING

SENATOR CUDABACK PRESIDING

Senator Connealy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Bourne requested a roll call vote on the adoption of the resolution.

Voting in the affirmative, 25:

Beutler	Cornett	Johnson	Pahls	Stuhr
Byars	Cunningham	Kopplin	Preister	Stuthman
Chambers	Flood	Kruse	Price	Synowiecki
Combs	Howard	Landis	Schimek	Thompson
Connealy	Janssen	McDonald	Schrock	Wehrbein

Voting in the negative, 22:

Aguilar	Burling	Foley	Kremer	Redfield
Baker	Cudaback	Friend	Langemeier	Smith
Bourne	Engel	Heidemann	Louden	
Brashear	Erdman	Hudkins	Mines	
Brown	Fischer	Jensen	Raikes	

Present and not voting, 1:

Pederson, D.

Excused and not voting, 1:

Pedersen, Dw.

LR 449 was adopted with 25 ayes, 22 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

VISITORS

Visitors to the Chamber were Senator Langemeier's brother, John Langemeier; Jerry Palmer from Tekamah; 43 fourth-grade students and teachers from Belair Elementary School, Norfolk; and 26 fourth- and fifth-grade students and teachers from Twin River Elementary School, Monroe and Genoa.

The Doctor of the Day was Dr. Julie Hamann from Lincoln.

ADJOURNMENT

At 4:15 p.m., on a motion by Senator Kopplin, the Legislature adjourned until 9:00 a.m., Thursday, April 13, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SIXTIETH DAY - APRIL 13, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE
SECOND SESSION

SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 13, 2006

PRAYER

The prayer was offered by Senator Kruse.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Smith who was excused; and Senators Dw. Pedersen and Preister who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-ninth day was approved.

MESSAGE FROM THE GOVERNOR

April 13, 2006

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 57e, 79, 1148, 1199, 1199A, 1222e, 1222Ae, 1226e, and 1226A were received in my office on April 12, 2006.

I signed these bills and delivered them to the Secretary of State on April 13, 2006.

Sincerely,
(Signed) Dave Heineman
Governor

REPORTS

The following reports were received by the Legislature:

Investment Council
2005 Annual Report
Investment Finance Authority
Drinking Water State Revolving Fund Revenue Bonds Series 2005 A, Quarterly Reports
Single Family Housing Revenue Bonds Series 2005 CD and General Obligation Bonds Series 2005 G.O.-19 Quarterly Report

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR 449.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 239.

A BILL FOR AN ACT relating to postsecondary educational institutions; to amend section 85-502, Reissue Revised Statutes of Nebraska; to change provisions relating to determination of residency; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Aguilar	Chambers	Janssen	McDonald	Synowiecki
Beutler	Combs	Jensen	Pahls	Thompson
Bourne	Connealy	Johnson	Pederson, D.	Wehrbein
Brashear	Cornett	Kopplin	Schimek	
Brown	Cudaback	Kruse	Schrock	
Byars	Howard	Landis	Stuthman	

Voting in the negative, 18:

Baker	Erdman	Friend	Langemeier	Redfield
Burling	Fischer	Heidemann	Louden	Stuhr
Cunningham	Flood	Hudkins	Mines	
Engel	Foley	Kremer	Price	

Present and not voting, 1:

Raikes

Excused and not voting, 3:

Pedersen, Dw. Preister Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 385 with 39 ayes, 2 nays, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 385.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2262, 29-4101, 29-4102, 29-4103, 29-4104, 29-4105, 29-4106, 29-4107, 29-4108, 29-4109, 29-4112, 29-4113, 29-4114, and 29-4115, Revised Statutes Cumulative Supplement, 2004; to provide a condition of probation; to rename and change provisions of the DNA Detection of Sexual and Violent Offenders Act; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Aguilar	Cudaback	Howard	Langemeier	Schimek
Baker	Cunningham	Hudkins	Louden	Schrock
Beutler	Engel	Janssen	McDonald	Stuhr
Bourne	Erdman	Jensen	Mines	Stuthman
Burling	Fischer	Johnson	Pahls	Synowiecki
Byars	Flood	Kopplin	Pederson, D.	Thompson
Combs	Foley	Kremer	Price	Wehrbein
Connealy	Friend	Kruse	Raikes	
Cornett	Heidemann	Landis	Redfield	

Voting in the negative, 2:

Brashear Chambers

Present and not voting, 1:

Brown

Excused and not voting, 3:

Pedersen, Dw. Preister Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 385A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 385, Ninety-ninth Legislature, Second Session, 2006.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Aguilar	Cornett	Heidemann	Landis	Redfield
Baker	Cudaback	Howard	Langemeier	Schimek
Beutler	Cunningham	Hudkins	Louden	Schrock
Bourne	Engel	Janssen	McDonald	Stuhr
Brown	Erdman	Jensen	Mines	Stuthman
Burling	Fischer	Johnson	Pahls	Thompson
Byars	Flood	Kopplin	Pederson, D.	Wehrbein
Combs	Foley	Kremer	Price	
Connealy	Friend	Kruse	Raikes	

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Brashear Synowiecki

Excused and not voting, 3:

Pedersen, Dw. Preister Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 489 with 33 ayes, 7 nays, 6 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 489. With Emergency.

A BILL FOR AN ACT relating to business and labor; to amend sections 48-168, 48-418, 48-418.04, and 48-418.09, Reissue Revised Statutes of Nebraska; to adopt the Conveyance Safety Act; to change provisions relating to the Nebraska Workers' Compensation Act and elevator inspections; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Aguilar	Cornett	Hudkins	McDonald	Stuhr
Beutler	Cunningham	Janssen	Mines	Synowiecki
Bourne	Engel	Johnson	Pahls	Thompson
Brown	Fischer	Kopplin	Pederson, D.	Wehrbein
Burling	Flood	Kremer	Price	
Byars	Friend	Kruse	Raikes	
Combs	Heidemann	Landis	Redfield	
Connealy	Howard	Langemeier	Schrock	

Voting in the negative, 3:

Erdman	Louden	Stuthman

Present and not voting, 7:

Baker	Chambers	Foley	Schimek
Brashear	Cudaback	Jensen	

Excused and not voting, 3:

Pedersen, Dw.	Preister	Smith

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 489A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 489, Ninety-ninth Legislature, Second Session, 2006.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Aguilar	Cunningham	Howard	Landis	Raikes
Brown	Engel	Hudkins	Langemeier	Redfield
Burling	Erdman	Janssen	McDonald	Schrock
Byars	Fischer	Johnson	Mines	Stuhr
Combs	Flood	Kopplin	Pahls	Synowiecki
Connealy	Friend	Kremer	Pederson, D.	Thompson
Cornett	Heidemann	Kruse	Price	Wehrbein

Voting in the negative, 3:

Cudaback	Louden	Stuthman

Present and not voting, 8:

Baker	Bourne	Chambers	Jensen
Beutler	Brashear	Foley	Schimek

Excused and not voting, 3:

Pedersen, Dw.	Preister	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 821.

A BILL FOR AN ACT relating to education; to provide for part-time enrollment and for participation by exempt students in public school courses and activities; and to provide duties for school boards.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Aguilar	Cornett	Foley	Kruse	Price
Baker	Cudaback	Friend	Landis	Raikes
Beutler	Cunningham	Heidemann	Langemeier	Redfield
Bourne	Engel	Jensen	Louden	Stuhr
Brown	Erdman	Johnson	Mines	Synowiecki
Burling	Fischer	Kopplin	Pahls	Wehrbein
Byars	Flood	Kremer	Pederson, D.	

Voting in the negative, 9:

Combs	Howard	Janssen	Schimek	Thompson
Connealy	Hudkins	McDonald	Schrock	

Present and not voting, 3:

Brashear	Chambers	Stuthman

Excused and not voting, 3:

Pedersen, Dw.	Preister	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 845.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101 and 53-132, Reissue Revised Statutes of Nebraska; to change provisions relating to issuance of retail licenses; to provide for beverage-server and licensee training and certification; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Aguilar	Cornett	Heidemann	Landis	Schrock
Baker	Cudaback	Howard	Langemeier	Stuhr
Beutler	Cunningham	Hudkins	Mines	Stuthman
Bourne	Engel	Janssen	Pahls	Synowiecki
Brown	Erdman	Jensen	Pederson, D.	Thompson
Burling	Fischer	Johnson	Price	Wehrbein
Byars	Flood	Kopplin	Raikes	
Combs	Foley	Kremer	Redfield	
Connealy	Friend	Kruse	Schimek	

Voting in the negative, 0.

Present and not voting, 4:

Brashear	Chambers	Louden	McDonald

Excused and not voting, 3:

Pedersen, Dw.	Preister	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 845A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 845, Ninety-ninth Legislature, Second Session, 2006.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Aguilar	Cornett	Heidemann	Landis	Schimek
Baker	Cudaback	Howard	Langemeier	Schrock
Bourne	Cunningham	Hudkins	McDonald	Stuhr
Brown	Engel	Janssen	Mines	Stuthman
Burling	Erdman	Jensen	Pahls	Synowiecki
Byars	Fischer	Johnson	Pederson, D.	Thompson
Chambers	Flood	Kopplin	Price	Wehrbein
Combs	Foley	Kremer	Raikes	
Connealy	Friend	Kruse	Redfield	

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Brashear	Louden

Excused and not voting, 3:

Pedersen, Dw.	Preister	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 874 with 36 ayes, 1 nay, 9 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 874.

A BILL FOR AN ACT relating to agriculture; to amend section 2-2651, Reissue Revised Statutes of Nebraska, and sections 2-15,122, 2-2624, 2-2626, 2-2627, 2-2629, 2-2634, 2-2636, 2-2638, 2-2639, 2-2641, 2-2643.03, 2-2646, and 2-2649, Revised Statutes Cumulative Supplement, 2004; to change provisions of the Pesticide Act; to provide for electronic format for application information; to provide, change, and eliminate provisions relating to distribution of funds under the act; to provide for reciprocal licensure; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Aguilar	Cornett	Heidemann	Landis	Redfield
Baker	Cudaback	Howard	Langemeier	Schimek
Beutler	Cunningham	Hudkins	Louden	Schrock
Bourne	Engel	Janssen	McDonald	Stuhr
Brown	Erdman	Jensen	Mines	Stuthman
Burling	Fischer	Johnson	Pahls	Synowiecki
Byars	Flood	Kopplin	Pederson, D.	Thompson
Combs	Foley	Kremer	Price	Wehrbein
Connealy	Friend	Kruse	Raikes	

Voting in the negative, 0.

Present and not voting, 2:

Brashear	Chambers

Excused and not voting, 3:

Pedersen, Dw.	Preister	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 924.

A BILL FOR AN ACT relating to real property; to amend sections 76-701 and 76-883, Reissue Revised Statutes of Nebraska; to provide restrictions on the use of eminent domain; to provide certain rights for purchasers of condominiums; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Aguilar	Connealy	Friend	Langemeier	Schimek
Baker	Cornett	Heidemann	Louden	Schrock
Beutler	Cudaback	Howard	McDonald	Stuhr
Bourne	Cunningham	Hudkins	Mines	Stuthman
Brown	Engel	Janssen	Pahls	Synowiecki
Burling	Erdman	Jensen	Pederson, D.	Thompson
Byars	Fischer	Kopplin	Price	Wehrbein
Chambers	Flood	Kremer	Raikes	
Combs	Foley	Kruse	Redfield	

Voting in the negative, 0.

Present and not voting, 3:

Brashear	Johnson	Landis

Excused and not voting, 3:

Pedersen, Dw.	Preister	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 925 with 37 ayes, 2 nays, 7 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 925.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 60-497.01, 60-4,182, 60-601, 60-605, 60-696, 60-698, 60-6,197.01, 60-6,197.06, 60-6,197.08, 60-6,210, and 60-6,211.05, Reissue Revised

Statutes of Nebraska, section 28-306, Revised Statutes Cumulative Supplement, 2004, and sections 60-697 and 60-6,197.03, Revised Statutes Supplement, 2005; to change penalty provisions for motor vehicle homicide and driving under the influence as prescribed; to provide for the use of continuous alcohol monitoring devices; to change provisions relating to motor vehicle accident scenes and admissibility of blood tests; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Aguilar	Connealy	Friend	Kruse	Price
Baker	Cudaback	Heidemann	Landis	Raikes
Beutler	Cunningham	Howard	Langemeier	Redfield
Bourne	Engel	Hudkins	Louden	Schimek
Brown	Erdman	Janssen	McDonald	Stuhr
Burling	Fischer	Jensen	Mines	Thompson
Byars	Flood	Kopplin	Pahls	Wehrbein
Combs	Foley	Kremer	Pederson, D.	

Voting in the negative, 2:

Chambers	Stuthman

Present and not voting, 5:

Brashear	Cornett	Johnson	Schrock	Synowiecki

Excused and not voting, 3:

Pedersen, Dw.	Preister	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 239, 385, 385A, 489e, 489A, 821, 845, 845A, 874, and 924.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 940.

A BILL FOR AN ACT relating to government; to amend sections 32-716, 32-1524, and 49-1434, Reissue Revised Statutes of Nebraska; to change provisions relating to new political parties, prohibited acts at or near designated polling sites, and lobbying; to prohibit certain activities of the Secretary of State related to campaign committees; to create the Office of Homeland Security, the Director of State Homeland Security, and the Homeland Security Policy Group; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Aguilar	Cornett	Howard	Langemeier	Schimek
Baker	Cudaback	Hudkins	Louden	Schrock
Beutler	Cunningham	Janssen	McDonald	Stuhr
Bourne	Engel	Jensen	Mines	Stuthman
Brown	Erdman	Johnson	Pahls	Synowiecki
Burling	Fischer	Kopplin	Pederson, D.	Thompson
Byars	Foley	Kremer	Price	Wehrbein
Combs	Friend	Kruse	Raikes	
Connealy	Heidemann	Landis	Redfield	

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Brashear Flood

Excused and not voting, 3:

Pedersen, Dw. Preister Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 965.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2005; to adopt the Long-Term Care Savings Plan Act; to provide an income tax credit; to establish the

Long-Term Care Partnership Program; to provide duties; to repeal the Long-Term Care Partnership Program Development Act; to harmonize provisions; to provide operative dates; to repeal the original section; and to outright repeal sections 68-1095, 68-1096, 68-1097, 68-1098, and 68-1099, Revised Statutes Supplement, 2005.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Aguilar	Cornett	Heidemann	Landis	Raikes
Baker	Cudaback	Howard	Langemeier	Redfield
Beutler	Cunningham	Hudkins	Louden	Schimek
Bourne	Engel	Janssen	McDonald	Schrock
Burling	Erdman	Jensen	Mines	Stuhr
Byars	Fischer	Johnson	Pahls	Stuthman
Chambers	Flood	Kopplin	Pederson, D.	Synowiecki
Combs	Foley	Kremer	Preister	Thompson
Connealy	Friend	Kruse	Price	Wehrbein

Voting in the negative, 0.

Present and not voting, 2:

Brashear Brown

Excused and not voting, 2:

Pedersen, Dw. Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 965A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 965, Ninety-ninth Legislature, Second Session, 2006.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Aguilar	Connealy	Friend	Kruse	Redfield
Baker	Cornett	Heidemann	Landis	Schimek
Beutler	Cudaback	Howard	Langemeier	Stuhr
Bourne	Cunningham	Hudkins	Louden	Stuthman
Brown	Engel	Janssen	McDonald	Synowiecki
Burling	Erdman	Jensen	Mines	Thompson
Byars	Fischer	Johnson	Preister	Wehrbein
Chambers	Flood	Kopplin	Price	
Combs	Foley	Kremer	Raikes	

Voting in the negative, 0.

Present and not voting, 4:

Brashear	Pahls	Pederson, D.	Schrock

Excused and not voting, 2:

Pedersen, Dw. Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1006.

A BILL FOR AN ACT relating to educational lands and funds; to provide for submission to the electors of an amendment to the Constitution of Nebraska by amending Article VII, sections 7, 8, and 9, to permit the use of funds dedicated to the schools for common school and early childhood educational purposes; and to provide for the time and manner of submission and the ballot language for submission.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Aguilar	Connealy	Howard	Langemeier	Schimek
Baker	Cornett	Hudkins	McDonald	Schrock
Beutler	Cudaback	Janssen	Mines	Stuhr
Bourne	Cunningham	Jensen	Pahls	Stuthman
Brashear	Engel	Johnson	Pederson, D.	Synowiecki
Brown	Flood	Kopplin	Preister	Thompson
Byars	Foley	Kremer	Price	Wehrbein
Chambers	Friend	Kruse	Raikes	
Combs	Heidemann	Landis	Redfield	

Voting in the negative, 2:

Erdman Louden

Present and not voting, 2:

Burling Fischer

Excused and not voting, 2:

Pedersen, Dw. Smith

A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed for the general election.

LEGISLATIVE BILL 1039.

A BILL FOR AN ACT relating to the State Lottery Act; to amend section 9-801, Reissue Revised Statutes of Nebraska; to define a term; to provide limitations and requirements relating to advertising; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Aguilar	Cornett	Heidemann	Landis	Redfield
Baker	Cudaback	Howard	Langemeier	Schimek
Bourne	Cunningham	Hudkins	McDonald	Schrock
Brashear	Engel	Janssen	Mines	Stuhr
Brown	Erdman	Jensen	Pahls	Stuthman
Byars	Fischer	Johnson	Pederson, D.	Synowiecki
Chambers	Flood	Kopplin	Preister	Thompson
Combs	Foley	Kremer	Price	Wehrbein
Connealy	Friend	Kruse	Raikes	

Voting in the negative, 0.

Present and not voting, 3:

Beutler Burling Louden

Excused and not voting, 2:

Pedersen, Dw. Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1113 with 32 ayes, 2 nays, 13 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1113.

A BILL FOR AN ACT relating to civil and criminal regulation; to amend sections 2-3290, 2-3296, 2-3297, 18-1755, 28-311.04, 28-813, 42-364, 42-364.13, 42-1103, 43-256, 43-271, 43-408, 43-1412, 43-3001, 43-3342.05, 47-619, 47-620, 83-192, 83-1,114, and 83-1,115, Reissue Revised Statutes of Nebraska, sections 2-3202, 20-504, 23-1824, 28-311.02, 28-311.03, 28-728, 28-729, 28-730, 29-4101, 29-4102, 29-4104, 29-4106, 29-4107, and 86-291, Revised Statutes Cumulative Supplement, 2004, and sections 29-4126, 47-623, 47-624, and 47-625, Revised Statutes Supplement, 2005; to change and provide provisions relating to foreign national minors, recreational use of land, racial profiling, autopsies, stalking, child abuse and neglect, obscene literature or material, the DNA Detection of Sexual and Violent Offenders Act, DNA testing, references to social security numbers in court documents, domestic relations orders, detention of juveniles, the State Disbursement and Child Support Advisory Commission, the Community Corrections Act, release on parole, and court-ordered interception of communications; to state intent; to define and redefine terms; to provide duties for the Department of Health and Human Services, cities, villages, the Supreme Court, and the Board of Parole; to eliminate duties; to provide penalties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Aguilar	Connealy	Heidemann	Langemeier	Schimek
Baker	Cornett	Howard	Louden	Schrock
Beutler	Cudaback	Hudkins	McDonald	Stuhr
Bourne	Cunningham	Janssen	Mines	Stuthman
Brashear	Engel	Jensen	Pahls	Synowiecki
Brown	Erdman	Johnson	Pederson, D.	Thompson
Burling	Fischer	Kopplin	Preister	Wehrbein
Byars	Flood	Kremer	Price	
Chambers	Foley	Kruse	Raikes	
Combs	Friend	Landis	Redfield	

Voting in the negative, 0.

Excused and not voting, 2:

Pedersen, Dw. Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1113A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative bill 1113, Ninety-ninth Legislature, Second Session, 2006.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Aguilar	Connealy	Heidemann	Landis	Raikes
Baker	Cornett	Howard	Langemeier	Redfield
Bourne	Cudaback	Hudkins	Louden	Schimek
Brashear	Cunningham	Janssen	McDonald	Schrock
Brown	Engel	Jensen	Mines	Stuhr
Burling	Erdman	Johnson	Pahls	Stuthman
Byars	Fischer	Kopplin	Pederson, D.	Synowiecki
Chambers	Flood	Kremer	Preister	Thompson
Combs	Foley	Kruse	Price	Wehrbein

Voting in the negative, 0.

Present and not voting, 2:

Beutler Friend

Excused and not voting, 2:

Pedersen, Dw. Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1175. With Emergency.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 15-201.02, 31-741, and 35-1207, Reissue Revised Statutes of Nebraska, and sections 18-2147, 19-4801, and 29-424, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to installment contracts for

purchases, redevelopment projects, issuance of citations for code violations, construction contracts, and mutual finance organizations; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Aguilar	Connealy	Friend	Kruse	Raikes
Baker	Cornett	Heidemann	Landis	Redfield
Beutler	Cudaback	Howard	Langemeier	Schimek
Bourne	Cunningham	Hudkins	Louden	Schrock
Brashear	Engel	Janssen	McDonald	Stuhr
Brown	Erdman	Jensen	Mines	Stuthman
Burling	Fischer	Johnson	Pahls	Synowiecki
Byars	Flood	Kopplin	Preister	Thompson
Combs	Foley	Kremer	Price	Wehrbein

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Pederson, D.

Excused and not voting, 2:

Pedersen, Dw. Smith

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1227. With Emergency.

A BILL FOR AN ACT relating to handguns; to amend sections 69-2402, 69-2404, 69-2405, 69-2406, 69-2410, 69-2411, 69-2418, and 69-2419, Reissue Revised Statutes of Nebraska; to change provisions relating to issuance of handgun certificates and criminal history record checks; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Aguilar	Connealy	Heidemann	Langemeier	Schimek
Baker	Cornett	Howard	Louden	Schrock
Beutler	Cudaback	Hudkins	McDonald	Stuhr
Bourne	Cunningham	Janssen	Mines	Stuthman
Brashear	Engel	Jensen	Pahls	Synowiecki
Brown	Erdman	Johnson	Pederson, D.	Thompson
Burling	Fischer	Kopplin	Preister	Wehrbein
Byars	Flood	Kremer	Price	
Chambers	Foley	Kruse	Raikes	
Combs	Friend	Landis	Redfield	

Voting in the negative, 0.

Excused and not voting, 2:

Pedersen, Dw. Smith

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1248 with 39 ayes, 3 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1248. With Emergency.

A BILL FOR AN ACT relating to health and human services; to amend sections 28-705, 28-706, 43-512.12, 43-2508, 44-3,144, 44-3,149, 44-526, 44-32,180, 44-4221, 44-4222, 44-4228, 44-4726, 44-5305, 68-104, 68-150, 68-716, 68-1018, 68-1019, 68-1019.01, 68-1022, 68-1023, 68-1025.01, 68-1026, 68-1027, 68-1028, 68-1036.03, 68-1038, 68-1039, 68-1040, 68-1042, 68-1043, 68-1070, 68-1509, 71-6017.01, 71-7610, 71-8405, 71-8506, 77-908, 77-912, 77-27,163.01, 79-215, and 81-6,113, Reissue Revised Statutes of Nebraska, sections 25-21,188.02, 30-2487, 68-1036.02, 68-1073, 68-1074, 68-1075, 68-1076, 68-1077, 68-1078, 68-1079, 68-1080, 68-1081, 68-1082, 68-1083, 68-1084, 68-1085, 68-1086, 68-1802, 68-1803, 71-804, 71-806, 71-820, and 71-7607, Revised Statutes Cumulative Supplement, 2004, and sections 44-1540, 44-8002, 68-1020, 68-1021, 68-10,100, 68-10,101, 68-10,102, 68-10,103, 68-10,104, 68-10,105, 68-10,106, 68-10,107, 71-2426, and 77-2704.09, Revised Statutes Supplement, 2005; to adopt the Medical Assistance Act; to change and eliminate provisions relating to the medical assistance program; to eliminate the Managed Care Plan Act, the Medicaid Reform Act, and the Long-Term Care Partnership Program Development Act; to provide for a study relating

to behavioral health insurance parity legislation; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 68-1019.02, 68-1019.03, 68-1019.04, 68-1019.05, 68-1019.06, 68-1019.09, 68-1024, 68-1025, 68-1029, 68-1030, 68-1031, 68-1033, 68-1034, 68-1035, 68-1035.01, 68-1036, 68-1049, 68-1050, 68-1051, 68-1056, 68-1057, 68-1058, 68-1059, 68-1060, 68-1061, 68-1062, 68-1063, 68-1067, 68-1068, 68-1069, 68-1071, 68-1072, and 83-1214, Reissue Revised Statutes of Nebraska, and sections 68-1021.01, 68-1037, 68-1048, 68-1087, 68-1088, 68-1089, 68-1090, 68-1091, 68-1092, 68-1093, 68-1094, 68-1095, 68-1096, 68-1097, 68-1098, and 68-1099, Revised Statutes Supplement, 2005; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Aguilar	Connealy	Friend	Landis	Raikes
Baker	Cornett	Heidemann	Langemeier	Redfield
Beutler	Cudaback	Hudkins	Louden	Schimek
Bourne	Cunningham	Janssen	McDonald	Schrock
Brashear	Engel	Jensen	Mines	Stuhr
Brown	Erdman	Johnson	Pahls	Stuthman
Burling	Fischer	Kopplin	Pederson, D.	Synowiecki
Byars	Flood	Kremer	Preister	Thompson
Combs	Foley	Kruse	Price	Wehrbein

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Howard

Excused and not voting, 2:

Pedersen, Dw. Smith

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 925, 940, 965, 965A, 1006, 1039, 1113, and 1113A.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1248A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1248, Ninety-ninth Legislature, Second Session, 2006.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Aguilar	Connealy	Friend	Landis	Raikes
Baker	Cornett	Heidemann	Langemeier	Redfield
Beutler	Cudaback	Hudkins	Louden	Schrock
Bourne	Cunningham	Janssen	McDonald	Stuhr
Brashear	Engel	Jensen	Mines	Stuthman
Brown	Erdman	Johnson	Pahls	Thompson
Burling	Fischer	Kopplin	Pederson, D.	Wehrbein
Byars	Flood	Kremer	Preister	
Combs	Foley	Kruse	Price	

Voting in the negative, 1:

Chambers

Present and not voting, 3:

Howard	Schimek	Synowiecki

Excused and not voting, 2:

Pedersen, Dw. Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 1249 to Select File

Senator Landis moved to return LB 1249 to Select File for the following specific amendment:
FA695
Strike the enacting clause.

Senator Landis withdrew his motion to return.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1249.

A BILL FOR AN ACT relating to natural gas; to amend sections 57-1301, 57-1302, 57-1303, 57-1304, 57-1305, 57-1306, 57-1307, 66-1801, 66-1804, 66-1852, and 75-109.01, Reissue Revised Statutes of Nebraska, and section 13-2802, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to the State Natural Gas Regulation Act; to provide and change powers and duties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Aguilar	Connealy	Heidemann	Louden	Schrock
Baker	Cornett	Hudkins	McDonald	Stuhr
Beutler	Cudaback	Janssen	Mines	Stuthman
Bourne	Cunningham	Jensen	Pahls	Synowiecki
Brashear	Engel	Johnson	Pederson, D.	Thompson
Brown	Erdman	Kopplin	Preister	Wehrbein
Burling	Fischer	Kremer	Price	
Byars	Flood	Kruse	Raikes	
Chambers	Foley	Landis	Redfield	
Combs	Friend	Langemeier	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Howard

Excused and not voting, 2:

Pedersen, Dw. Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1256 with 39 ayes, 2 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1256.

A BILL FOR AN ACT relating to early childhood education; to amend sections 79-1101 and 79-1104, Reissue Revised Statutes of Nebraska, section 84-613, Revised Statutes Cumulative Supplement, 2004, and sections 79-1103 and 84-612, Revised Statutes Supplement, 2005; to create the Nebraska Early Childhood Education Endowment and funds; to provide funding for early childhood education programs; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Aguilar	Connealy	Howard	Langemeier	Schrock
Baker	Cornett	Hudkins	McDonald	Stuhr
Beutler	Cudaback	Janssen	Pahls	Stuthman
Bourne	Cunningham	Jensen	Pederson, D.	Synowiecki
Brashear	Engel	Johnson	Preister	Thompson
Brown	Flood	Kopplin	Price	Wehrbein
Byars	Foley	Kremer	Raikes	
Chambers	Friend	Kruse	Redfield	
Combs	Heidemann	Landis	Schimek	

Voting in the negative, 3:

Burling	Erdman	Louden

Present and not voting, 2:

Fischer	Mines

Excused and not voting, 2:

Pedersen, Dw.	Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1256A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1256, Ninety-ninth Legislature, Second Session, 2006.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Aguilar	Connealy	Howard	Landis	Redfield
Baker	Cornett	Hudkins	Langemeier	Schimek
Bourne	Cudaback	Janssen	McDonald	Schrock
Brashear	Cunningham	Jensen	Pahls	Stuhr
Brown	Engel	Johnson	Pederson, D.	Stuthman
Byars	Flood	Kopplin	Preister	Synowiecki
Chambers	Friend	Kremer	Price	Thompson
Combs	Heidemann	Kruse	Raikes	Wehrbein

Voting in the negative, 3:

Burling	Erdman	Louden

Present and not voting, 4:

Beutler	Fischer	Foley	Mines

Excused and not voting, 2:

Pedersen, Dw. Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 272CA.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 12:

VIII-12 (1) For the purpose of developing, rehabilitating, acquiring, or redeveloping ~~substandard and blighted property in a redevelopment project as determined by law,~~ property, the Legislature may by general law authorize any city or village of the state ~~may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions,~~ within its corporate boundaries or within the area in which it exercises planning, zoning, and code enforcement authority or any county to

incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise, notwithstanding any other provision in this Constitution and without regard to charter limitations and restrictions. ~~Notwithstanding~~

(2) Except as provided in subsection (3) of this section and notwithstanding any other provision in ~~the~~ this Constitution or a local charter, such cities, ~~or~~ villages, or counties may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, which taxes shall be at such rate for a period not to exceed fifteen years, on the assessed valuation of the property ~~in the project area portion of a designated blighted and substandard area~~ that is in excess of the assessed valuation of such property for the year prior to such development, rehabilitation, acquisition, or redevelopment.

(3) Notwithstanding any other provision in this Constitution, the Legislature may provide that the limitation to a period of fifteen years on the collection of all taxes levied on the excess value of property collected for the payment of the indebtedness incurred for the purpose of developing, rehabilitating, acquiring, or redeveloping such property may be extended to a period not to exceed thirty years if more than one-half of the property by area within the project area is owned by the State of Nebraska and if the indebtedness to be incurred for the development, rehabilitation, acquisition, or redevelopment of such property cannot be reasonably financed within fifteen years.

(4) When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to remove a requirement that property be substandard and blighted for purposes of rehabilitating, acquiring, or redeveloping such property through use of public debt or special property tax treatment, to add development as a purpose for use of the constitutional provision authorizing public debt and special property tax treatment, to permit counties and cities and villages outside their corporate boundaries to use such constitutional provision, and to authorize the Legislature to extend the term of such special tax treatment from fifteen to thirty years.

For

Against.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 44:

Aguilar	Combs	Foley	Kremer	Price
Baker	Connealy	Friend	Kruse	Redfield
Beutler	Cornett	Heidemann	Landis	Schrock
Bourne	Cudaback	Howard	Langemeier	Stuhr
Brashear	Cunningham	Hudkins	McDonald	Stuthman
Brown	Engel	Janssen	Mines	Synowiecki
Burling	Erdman	Jensen	Pahls	Thompson
Byars	Fischer	Johnson	Pederson, D.	Wehrbein
Chambers	Flood	Kopplin	Preister	

Voting in the negative, 0.

Present and not voting, 3:

Louden	Raikes	Schimek

Excused and not voting, 2:

Pedersen, Dw. Smith

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 1175e, 1227e, 1248e, 1248A, 1249, 1256, 1256A, and LR 272CA.

SENATOR CUDABACK PRESIDING

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 13, 2006, at 10:07 a.m. were the following: LBs 239, 385, 385A, 489e, 489A, 821, 845, 845A, 874, and 924.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

Presented to the Governor on April 13, 2006, at 10:50 a.m. were the following: LBs 925, 940, 965, 965A, 1039, 1113, and 1113A.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on April 13, 2006, at 10:52 a.m. was the following: LB 1006.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

MOTIONS - Return LB 1024 to Select File

Senator Kopplin moved to return LB 1024 to Select File for the following Kopplin-Kruse specific amendment:
AM3163

(Amendments to Standing Committee amendments, AM2687)

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. The Metropolitan Area School Districts Task Force is created. The task force shall consist of the members appointed pursuant to section 2 of this act. The task force shall report its findings and recommendations pursuant to section 4 of this act to the Clerk of the Legislature and the Education Committee of the Legislature on or before November 1, 2006.

Sec. 2. (1) Members of the Metropolitan Area School Districts Task Force shall be and shall include:

(a) The chairperson of the Education Committee of the Legislature;

(b) Three members of the Education Committee of the Legislature, appointed by the Executive Board of the Legislative Council on or before May 1, 2006;

(c) A representative of the Governor's Policy Research Office, appointed by the Governor on or before May 1, 2006;

(d) The Commissioner of Education or his or her designee;

(e) The superintendent of each school district headquartered in Douglas County or his or her designee;

(f) The superintendent of each school district headquartered in Sarpy County or his or her designee; and

(g) The following members appointed by the Executive Board of the Legislative Council on or before May 1, 2006:

(i) A representative of a teachers' organization;

(ii) A representative of an association of school boards;

(iii) A representative of an association of school administrators;

(iv) One taxpayer residing in the city of Omaha;

(v) One taxpayer residing in Douglas County outside the city of Omaha; and

(vi) One taxpayer residing in Sarpy County.

(2) Members of the task force shall be reimbursed for their actual and necessary expenses incurred in carrying out their duties as members of the task force as provided in sections 81-1174 to 81-1177. The Education Committee of the Legislature, the Legislative Fiscal Analyst, and the State Department of Education shall provide research and administrative support for the task force. For budgetary purposes only, the task force shall be within

the Legislative Council.

Sec. 3. The chairperson of the Education Committee of the Legislature shall be the chairperson of the Metropolitan Area School Districts Task Force and shall call the initial and subsequent meetings of the task force. The initial meeting of the task force shall be held no later than June 1, 2006.

Sec. 4. The Metropolitan Area School Districts Task Force shall study the following topics and make recommendations for Nebraska policies and potential legislation to the Clerk of the Legislature and the Education Committee of the Legislature:

(1) Racial and socioeconomic integration;

(2) School district boundaries;

(3) Focus schools and magnet schools;

(4) Funding and finance;

(5) Option enrollment;

(6) Transportation of students;

(7) School employee compensation and retirement; and

(8) Other topics as determined by the task force.

Sec. 5. The boundaries for all school districts for which the principal office of the school district is located in either Douglas County or Sarpy County on the effective date of this act shall remain as depicted on March 1, 2006, on the map kept by the county clerk pursuant to section 79-490, until June 1, 2007.

Sec. 6. The Education Committee of the Legislature shall hold at least one public hearing in the second congressional district of Nebraska on the recommendations of the Metropolitan Area School Districts Task Force before December 31, 2006.

Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.

Senator Kopplin asked unanimous consent to withdraw the Kopplin-Kruse specific amendment, AM3163, found in this day's Journal, and replace it with the Kopplin substitute specific amendment, AM3253. No objections. So ordered.

AM3253

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. The Metropolitan Area School Districts Task Force is created. The task force shall consist of the members appointed pursuant to section 2 of this act. The task force shall report its findings and recommendations pursuant to section 4 of this act to the Clerk of the Legislature and the Education Committee of the Legislature on or before November 1, 2006.

Sec. 2. (1) Members of the Metropolitan Area School Districts Task Force shall be and shall include:

(a) The chairperson and other members of the Education Committee of the Legislature;

(b) A representative of the Governor's Policy Research Office, appointed by the Governor on or before May 1, 2006;

(c) The Commissioner of Education or his or her designee;

(d) The superintendent of each school district headquartered in Douglas County or his or her designee;

(e) The superintendent of each school district headquartered in Sarpy County or his or her designee; and

(f) The following members appointed by the Executive Board of the Legislative Council on or before May 1, 2006:

(i) One taxpayer residing in the city of Omaha;

(ii) One taxpayer residing in Douglas County outside the city of Omaha; and

(iii) One taxpayer residing in Sarpy County.

(2) Members of the task force shall be reimbursed for their actual and necessary expenses incurred in carrying out their duties as members of the task force as provided in sections 81-1174 to 81-1177. The Education Committee of the Legislature, the Legislative Fiscal Analyst, and the State Department of Education shall provide research and administrative support for the task force. For budgetary purposes only, the task force shall be within the Legislative Council.

Sec. 3. The chairperson of the Education Committee of the Legislature shall be the chairperson of the Metropolitan Area School Districts Task Force and shall call the initial and subsequent meetings of the task force. The initial meeting of the task force shall be held no later than June 1, 2006. On behalf of the task force, the Executive Board of the Legislative Council shall, in consultation with the task force, contract for the services of a facilitator.

Sec. 4. The Metropolitan Area School Districts Task Force shall study the following topics and make recommendations for Nebraska policies and potential legislation to the Clerk of the Legislature and the Education Committee of the Legislature:

(1) Racial and socioeconomic integration;

(2) School district boundaries;

(3) Focus schools and magnet schools;

(4) Funding and finance;

(5) Option enrollment;

(6) Transportation of students;

(7) School employee compensation and retirement; and

(8) Other topics as determined by the task force.

Sec. 5. The boundaries for all school districts for which the principal office of the school district is located in either Douglas County or Sarpy County on the effective date of this act shall remain as depicted on March 1, 2006, on the map kept by the county clerk pursuant to section 79-490, until July 1, 2008.

Sec. 6. The Education Committee of the Legislature shall hold at least one public hearing in the second congressional district of Nebraska on the recommendations of the Metropolitan Area School Districts Task Force before December 31, 2006.

Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.

Senator Kopplin withdrew his motion to return.

Senator Howard moved to return LB 1024 to Select File for the following specific amendment:

AM3167

(Amendments to Standing Committee amendments, AM2687)

1. Insert the following new section:

Sec. 19. (1) Notwithstanding any other provision of law, on and after July 1, 2007, no school district shall have a student population greater than sixteen thousand students.

(2) On or before July 1, 2007, the school board of each school district having a student population greater than sixteen thousand students shall submit a plan to the State Committee for the Reorganization of School Districts to divide such school district into one or more school districts organized around the attendance areas of existing high school buildings which are not currently being used exclusively for specialized programs, which have contiguous attendance areas, and whose student populations share a community of interest. The effective date for reorganizations pursuant to this section shall be July 1, 2008.

(3) If the state committee disapproves such plan, the state committee shall revise the plan and shall hold one or more hearings pursuant to the Reorganization of School Districts Act on the revised plan. The state committee may further revise the plan and hold one or more additional hearings pursuant to the act.

(4) If a school board fails to submit a plan as required pursuant to subsection (2) of this section on or before July 1, 2007, the state committee shall develop a plan to divide any school district having a student population greater than sixteen thousand students into school districts as described in subsection (2) of this section. The state committee shall hold a hearing pursuant to subsection (3) of this section and may revise the plan and hold one or more additional hearings pursuant to such subsection.

2. In the Raikes-Chambers amendment, AM3142, on page 1, line 11, after the period insert "Each school district created pursuant to this section shall have a student population of sixteen thousand or fewer students.".

3. Renumber the remaining sections and correct internal references accordingly.

Senator Howard asked unanimous consent to withdraw her specific amendment, AM3167, found in this day's Journal, and replace it with her substitute specific amendment, AM3261. No objections. So ordered.

AM3261

(Amendments to Final Reading copy)

1. Insert the following new section:

Sec. 16. (1) Notwithstanding any other provision of law, on and after July 1, 2007, no school district shall have a student population greater than sixteen thousand students.

(2) On or before July 1, 2007, the school board of each school district having a student population greater than sixteen thousand students shall submit a plan to the State Committee for the Reorganization of School Districts to divide such school district into one or more school districts organized around the attendance areas of existing high school buildings which are not currently being used exclusively for specialized programs, which have contiguous attendance areas, and whose student populations share a community of interest. The effective date for reorganizations pursuant to this section shall be July 1, 2008.

(3) If the state committee disapproves such plan, the state committee shall revise the plan and shall hold one or more hearings pursuant to the Reorganization of School Districts Act on the revised plan. The state committee may further revise the plan and hold one or more additional hearings pursuant to the act.

(4) If a school board fails to submit a plan as required pursuant to subsection (2) of this section on or before July 1, 2007, the state committee shall develop a plan to divide any school district having a student population greater than sixteen thousand students into school districts as described in subsection (2) of this section. The state committee shall hold a hearing pursuant to subsection (3) of this section and may revise the plan and hold one or more additional hearings pursuant to such subsection.

2. On page 50, line 18, after the period insert "Each school district created pursuant to this section shall have a student population of sixteen thousand or fewer students.".

3. Renumber the remaining sections and correct internal references accordingly.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 454. Introduced by Engel, 17.

WHEREAS, on April 12, 2006, the Ninety-ninth Legislature, Second Session, of the Nebraska Legislature adopted LR 449, constituting a resolution of articles of impeachment against C. David Hergert, Regent, University of Nebraska; and

WHEREAS, the firm of DominaLaw Group, PC., specifically David A. Domina, has been retained by the Ninety-ninth Legislature, Second Session, to assist in matters related to the consideration and adoption of such articles of impeachment and to represent the Legislature pursuant to Article III, section 17 and Article IV, section 5 of the Constitution of the State of Nebraska, respecting the conduct of C. David Hergert; and

WHEREAS, the firm of DominaLaw Group, PC., specifically David A. Domina, is authorized to enter his appearance on behalf of the Ninety-ninth Legislature, Second Session, in the Supreme Court of the State of Nebraska with respect to the resolution and articles of impeachment of C. David Hergert, Regent, University of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. The firm of DominaLaw Group, PC., specifically David A. Domina, is retained by the Ninety-ninth Legislature, Second Session, of the Nebraska Legislature to appear before the Nebraska Supreme Court and to represent the interests of the Nebraska Legislature with respect to the resolution and articles of impeachment of C. David Hergert, and it is further resolved that the firm of DominaLaw Group, PC., may assist in the trial of said matter.

2. Senators Chambers and Beutler are appointed Managers of said resolution and articles of impeachment and in such capacity shall consult with the firm of DominaLaw Group, PC., with respect to the trial of said resolution and articles of impeachment.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 13, 2006, at 11:17 a.m. were the following: LBs 1175e, 1227e, 1248e, 1248A, 1249, 1256, and 1256A.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on April 13, 2006, at 11:20 a.m. was the following: LR 272CA.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Add Cointroducers

Senator Price asked unanimous consent to add her name as cointroducer to LBs 965 and 1006. No objections. So ordered.

VISITORS

Visitors to the Chamber were 85 fourth-grade students and teachers from Hamlow Elementary School, Waverly; Tony Makour and Tereza Mondad from Sudan; 4 guests and interpreters from Moldova; and 51 fourth-grade students and teacher from Fillmore Central Elementary School, Geneva.

RECESS

At 11:58 a.m., on a motion by Senator Preister, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senator Smith who was excused; and Senator Dw. Pedersen who was excused until he arrives.

COMMUNICATIONS

NOTICE OF IMPEACHMENT

April 13, 2006

The Honorable John V. Hendry
Chief Justice of the Nebraska Supreme Court
Room 2214 State Capitol
Lincoln, NE 68509

Dear Mr. Chief Justice,

As required by Article III, Section 17, of the Constitution of the State of Nebraska, I am hereby delivering to you a Resolution of Impeachment, Legislative Resolution 449, against C. David Hergert, a member of the Board of Regents of the University of Nebraska.

This Resolution was adopted by a majority of the elected members of the Ninety-Ninth Legislature, Second Session, on April 12, 2006. I have enclosed a copy of the resolution for each member of the Court as well as a copy for the Clerk of the Court.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Enclosure

Proof of Service

Nebraska
)ss.
Lancaster County

I, Patrick O'Donnell, certify that I have, today, served a duly executed,

original copy of LR 449, a Legislative Resolution containing Articles of Impeachment against C. David Hergert, a civil officer serving as a member of the University of Nebraska Board of Regents for District 7, upon Hon. John V. Hendry, Chief Justice, Nebraska Supreme Court at the State Capitol on April 13, 2006.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Receipt of Resolution

I, John V. Hendry, Chief Justice of the Nebraska Supreme Court, hereby acknowledge that the Clerk of the Legislature served upon me on April 13, 2006, the original, genuine copy of Legislative Resolution 449 adopted by the Nebraska Legislature April 12, 2006.

April 13, 2006

(Signed) John V. Hendry
Chief Justice
Nebraska Supreme Court

MOTION - Return LB 1024 to Select File

Senator Howard renewed her pending motion, found in this day's Journal, to return LB 1024 to Select File for her specific pending amendment, AM3261, found in this day's Journal.

SPEAKER BRASHEAR PRESIDING

Senator Raikes offered the following motion:
To invoke cloture on LB 1024, pursuant to Rule 7, Section 10.

Senator Bourne requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 35:

Aguilar	Combs	Hudkins	Langemeier	Raikes
Baker	Cudaback	Janssen	Louden	Redfield
Beutler	Cunningham	Jensen	McDonald	Schrock
Brown	Engel	Johnson	Pahls	Stuhr
Burling	Erdman	Kremer	Pedersen, Dw.	Stuthman
Byars	Fischer	Kruse	Pederson, D.	Thompson
Chambers	Heidemann	Landis	Price	Wehrbein

Voting in the negative, 10:

Bourne	Cornett	Foley	Howard	Preister
Connealy	Flood	Friend	Mines	Synowiecki

Present and not voting, 3:

Brashear Kopplin Schimek

Excused and not voting, 1:

Smith

The Raikes motion to invoke cloture prevailed with 35 ayes, 10 nays, 3 present and not voting, and 1 excused and not voting.

The Howard motion to return to Select File failed with 9 ayes, 36 nays, 3 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1024 with 34 ayes, 11 nays, 3 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1024.

A BILL FOR AN ACT relating to schools; to amend sections 32-543, 77-1601.02, 77-1614, 77-1624, 77-1702, 77-1704.01, 77-1708, 77-1772, 77-2201, 77-2202, 79-232, 79-233, 79-237, 79-238, 79-458, 79-458.01, 79-467, 79-468, 79-469, 79-476, 79-527, 79-528, 79-535, 79-536, 79-549, 79-760, 79-979, 79-980, 79-981, 79-983, 79-984, 79-985, 79-986, 79-9,107, 79-9,108, 79-9,109, 79-9,115, 79-1002, 79-1008.02, 79-1024, 79-1030, 79-1033, 79-1074, 79-1075, 79-1083, 79-1084, 79-1086, 79-10,120, and 79-10,126, Reissue Revised Statutes of Nebraska, sections 13-503, 13-508, 13-511, 79-1001, and 79-1008.01, Revised Statutes Cumulative Supplement, 2004, sections 77-3442, 79-102, 79-407, 79-408, 79-409, 79-413, 79-415, 79-416, 79-433, 79-452, 79-473, 79-479, 79-611, 79-850, 79-1007.01, 79-1022, 79-1026, and 79-1028, Revised Statutes Supplement, 2005, and sections 79-1003 and 79-1007.02, Revised Statutes Supplement, 2005, as amended by sections 4 and 5, respectively, Legislative Bill 1208, Ninety-ninth Legislature, Second Session, 2006; to adopt the Learning Community Reorganization Act; to provide for the establishment of focus schools and programs; to change provisions relating to the calculation of state aid; to provide powers and duties; to change provisions relating to school district boundaries; to provide for learning community coordinating councils; to provide powers and duties and taxing authority for the councils; to provide for a high-needs education coordinator; to eliminate certain tax foreclosure proceedings; to provide for severability; to harmonize

provisions; to repeal the original sections; and to outright repeal section 77-1933, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Aguilar	Combs	Janssen	Pahls	Stuhr
Baker	Cudaback	Jensen	Pedersen, Dw.	Stuthman
Beutler	Cunningham	Johnson	Pederson, D.	Wehrbein
Brown	Engel	Kremer	Price	
Burling	Fischer	Kruse	Raikes	
Byars	Heidemann	Louden	Redfield	
Chambers	Hudkins	McDonald	Schrock	

Voting in the negative, 16:

Bourne	Erdman	Howard	Mines
Brashear	Flood	Kopplin	Preister
Connealy	Foley	Landis	Synowiecki
Cornett	Friend	Langemeier	Thompson

Present and not voting, 1:

Schimek

Excused and not voting, 1:

Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1024A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1024, Ninety-ninth Legislature, Second Session, 2006.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Aguilar	Connealy	Janssen	McDonald	Schrock
Baker	Cudaback	Jensen	Pahls	Stuhr
Brashear	Cunningham	Johnson	Pedersen, Dw.	Stuthman
Brown	Engel	Kopplin	Pederson, D.	Thompson
Burling	Fischer	Kremer	Price	Wehrbein
Byars	Flood	Kruse	Raikes	
Chambers	Heidemann	Langemeier	Redfield	
Combs	Hudkins	Louden	Schimek	

Voting in the negative, 10:

Bourne	Erdman	Friend	Landis	Preister
Cornett	Foley	Howard	Mines	Synowiecki

Present and not voting, 1:

Beutler

Excused and not voting, 1:

Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 1024 and 1024A.

SENATOR CUDABACK PRESIDING

MOTION - Override Line-Item Veto on LB 817

Senator Chambers renewed his pending motion, found on page 1605, that LB 817 becomes law notwithstanding the objections of the Governor.

Senator Chambers moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 33:

Aguilar	Cornett	Janssen	Langemeier	Schimek
Baker	Cudaback	Jensen	Louden	Stuhr
Bourne	Cunningham	Johnson	McDonald	Synowiecki
Brown	Engel	Kopplin	Pahls	Thompson
Byars	Fischer	Kremer	Pedersen, Dw.	Wehrbein
Chambers	Flood	Kruse	Pederson, D.	
Combs	Hudkins	Landis	Raikes	

Voting in the negative, 9:

Beutler	Connealy	Heidemann	Preister	Stuthman
Brashear	Erdman	Howard	Schrock	

Present and not voting, 5:

Burling	Friend	Mines	Price	Redfield

Excused and not voting, 2:

Foley	Smith

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 817A

Senator Chambers offered the following motion:
That LB 817A becomes law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 38:

Aguilar	Cornett	Hudkins	Langemeier	Schimek
Baker	Cudaback	Janssen	Louden	Schrock
Bourne	Cunningham	Jensen	McDonald	Stuhr
Brown	Engel	Johnson	Mines	Synowiecki
Burling	Fischer	Kopplin	Pahls	Thompson
Byars	Flood	Kremer	Pedersen, Dw.	Wehrbein
Chambers	Friend	Kruse	Pederson, D.	
Combs	Heidemann	Landis	Raikes	

Voting in the negative, 6:

Beutler	Erdman	Preister
Connealy	Howard	Stuthman

Present and not voting, 3:

Brashear	Price	Redfield

Excused and not voting, 2:

Foley	Smith

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

MOTION - Override Line-Item Veto on LB 366

Senator Stuhr renewed her pending motion, found on page 1605, that LB 366 becomes law notwithstanding the objections of the Governor.

Senator Stuhr moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Senator Stuhr requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Aguilar	Combs	Howard	McDonald	Schrock
Beutler	Connealy	Janssen	Pedersen, Dw.	Stuhr
Bourne	Cornett	Johnson	Preister	Stuthman
Brashear	Erdman	Kopplin	Price	Synowiecki
Byars	Foley	Kruse	Redfield	Thompson
Chambers	Friend	Landis	Schimek	Wehrbein

Voting in the negative, 14:

Brown	Engel	Heidemann	Langemeier	Pederson, D.
Burling	Fischer	Hudkins	Louden	Raikes
Cunningham	Flood	Jensen	Mines	

Present and not voting, 4:

Baker	Cudaback	Kremer	Pahls

Excused and not voting, 1:

Smith

Having received a constitutional three-fifths majority voting in the

affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 13, 2006, at 2:42 p.m. were the following: LBs 1024 and 1024A.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

MESSAGES FROM THE GOVERNOR

April 13, 2006

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 385, 385A, 489e, 489A, 821, 845, 845A, 874, 924, 925, 940, 965, 1039, 1113, 1113A, 1175e, 1227e, 1248e, 1249, 1256, and 1256A were received in my office on April 13, 2006.

I signed these bills and delivered them to the Secretary of State on April 13, 2006.

Sincerely,
(Signed) Dave Heineman
Governor

April 13, 2006

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 965A with certain line-item reductions.

LB 965A appropriates $3,450 of General Funds to the Department of Revenue in FY2006-07 for mainframe programming due to the addition of a line to the individual income tax form. Several bills passed this session contain provisions requiring the Department of Revenue to update tax forms. In part, the appropriation presented in LB 965A duplicates agency

costs that have been accounted for in LB 968A, which has already been enacted. LB 965A also appropriates $17,170 of General Funds in FY2006-07 and $17,680 of General Funds in FY2007-08 to the Department of Revenue for processing and taxpayer assistance. The anticipated workload for the Department of Revenue to implement the income tax deduction can be handled within existing agency resources and does not warrant an additional position. Therefore, I have reduced LB 965A by $20,620 in FY2006-07 and $17,680 in FY2007-08.

For these reasons, I urge you to sustain my line-item reductions to LB 965A.

Sincerely,
(Signed) Dave Heineman
Governor

April 13, 2006

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

With this letter, I am returning LB 1248A with certain line-item reductions.

I have vetoed $83,500 General Funds and $83,500 federal funds in FY2006-07 from LB 1248A, Section 1. The appropriations in Section 1 are duplicated within the appropriations made in Section 2. My veto simply corrects an inadvertent duplication and in no way impacts the ability of the Department of Health and Human Services Finance and Support to carry out the provisions of the substantive bill.

I urge you to sustain my line-item reductions to LB 1248A.

Sincerely,
(Signed) Dave Heineman
Governor

RESOLUTION

LEGISLATIVE RESOLUTION 441. Read. Considered.

LR 441 was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

MOTION - Suspend Rules

Senator Engel offered the following motion:
To suspend Rule 4, Section 6, to permit consideration of LR 454.

The Engel motion to suspend the rules prevailed with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 454. Read. Considered.

LR 454 was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

EASE

The Legislature was at ease from 3:24 p.m. until 3:27 p.m.

RESOLUTIONS

LEGISLATIVE RESOLUTION 445. Read. Considered.

LEGISLATIVE RESOLUTION 446. Read. Considered.

LEGISLATIVE RESOLUTION 448. Read. Considered.

LEGISLATIVE RESOLUTION 451. Read. Considered.

LEGISLATIVE RESOLUTION 453. Read. Considered.

LRs 445, 446, 448, 451, and 453 were adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

EASE

The Legislature was at ease from 3:33 p.m. until 3:48 p.m.

MESSAGE FROM THE GOVERNOR

April 13, 2006

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 239 without my signature and with my objections.

The bill would qualify students who are in the United States with no legal immigration status to pay "in-state" tuition rates at Nebraska higher education institutions. LB 239 would still require students from other states who attend our public colleges and universities to pay "out-of-state" tuition rates.

In my view, this bill sends the wrong message about respect for the rule of law. More importantly, this legislation would place Nebraska in conflict with governing federal law. Arguments presented by proponents of the bill focused a great deal upon their frustration with the status of existing federal statutes. I believe the remedy to address the underlying goals of the bill is to change federal law - not to circumvent the law by the enactment of LB 239.

For these reasons, I urge you to sustain my veto of the legislation.

Sincerely,
(Signed) Dave Heineman
Governor

MOTION - Override Veto on LB 239

Senator Schimek offered the following motion:
That LB 239 becomes law notwithstanding the objections of the Governor.

Senator Schimek moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Senator Schimek requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Aguilar	Chambers	Janssen	Landis	Preister
Beutler	Combs	Jensen	McDonald	Schimek
Bourne	Connealy	Johnson	Mines	Schrock
Brashear	Cornett	Kopplin	Pahls	Synowiecki
Brown	Cudaback	Kremer	Pedersen, Dw.	Thompson
Byars	Howard	Kruse	Pederson, D.	Wehrbein

Voting in the negative, 16:

Baker	Erdman	Friend	Louden
Burling	Fischer	Heidemann	Price
Cunningham	Flood	Hudkins	Redfield
Engel	Foley	Langemeier	Stuhr

Present and not voting, 2:

Raikes Stuthman

Excused and not voting, 1:

Smith

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

MOTION - Notify Governor

Senator Byars moved that a committee of five be appointed to notify the Governor that the Ninety-Ninth Legislature, Second Session of the Nebraska Legislature, is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Senators Baker, Bourne, Landis, Stuhr, and Thompson to serve on said committee.

PRESIDENT SHEEHY PRESIDING

The committee returned and escorted Governor Dave Heineman to the rostrum where he delivered a message to the members.

The committee escorted Governor Dave Heineman from the Chamber.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 441, 445, 446, 448, 451, 453, and 454.

COMMUNICATION

April 13, 2006

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 366 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB 366, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 366, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 13th day of April 2006.

(Signed) Rick Sheehy
President of the Legislature

COMMUNICATION

April 13, 2006

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 817 and LB 817A with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB 817 and LB 817A, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 817 and Legislative Bill 817A, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, have become law this 13th day of April 2006.

(Signed) Rick Sheehy
President of the Legislature

COMMUNICATION

April 13, 2006

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 239 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB 239, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 239, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 13th day of April 2006.

(Signed) Rick Sheehy
President of the Legislature

COMMUNICATIONS

April 13, 2006

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Consistent with our rules, I am forwarding LB 542Ae for deposit in your office. Legislative rules require us to deliver the bills to your office following the receipt of a veto message when no motion to override has

been offered.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk

April 13, 2006

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Consistent with our rules, I am forwarding LB 1086A for deposit in your office. Legislative rules require us to deliver the bills to your office following the receipt of a veto message when no motion to override has been offered.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk

April 13, 2006

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Consistent with our rules, I am forwarding LB 990A for deposit in your office. Legislative rules require us to deliver the bills to your office following the receipt of a veto message when no motion to override has been offered.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk

April 13, 2006

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Consistent with our rules, I am forwarding LB 872A for deposit in your office. Legislative rules require us to deliver the bills to your office following the receipt of a veto message when no motion to override has been offered.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk

April 13, 2006

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Consistent with our rules, I am forwarding LB 746A for deposit in your office. Legislative rules require us to deliver the bills to your office following the receipt of a veto message when no motion to override has been offered.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk

April 13, 2006

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the vetoes by Governor Heineman of LB 965A, and consistent with our rules, I am delivering the

bill for filing in the form prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk

April 13, 2006

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the vetoes by Governor Heineman of LB 1248A, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk

MESSAGE FROM THE GOVERNOR

April 13, 2006

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1024 and 1024A were received in my office on April 13, 2006.

I signed these bills and delivered them to the Secretary of State on April 13, 2006.

Sincerely,
(Signed) Dave Heineman
Governor

MOTION - Disposition of Bills

Senator Redfield moved that all bills not otherwise disposed of, excluding bills on Final Reading and vetoed or line-item vetoed bills on this date, be indefinitely postponed.

The motion prevailed.

MOTION - Committee Records

Senator Kremer moved that the chairpersons of all standing committees file with the Clerk of the Legislature all standing committee records so that a proper record may be made of the final disposition of all bills.

The motion prevailed.

MOTION - Printing of Journal, Session Laws, and Indexes

Senator Price moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell.

The motion prevailed.

MOTION - Delivery of Journal and Session Laws

Senator Baker moved that the Clerk of the Legislature be directed to send to each member of the Legislature a copy of the loose-leaf session laws and of the permanent Journal and Session Laws.

The motion prevailed.

MOTION - Sixtieth Day Journal

Senator Stuhr moved that the Journal for the Sixtieth Day, as prepared by the Clerk of the Legislature, be approved.

The motion prevailed.

VISITORS

Visitors to the Chamber were 65 students and teachers from Ashland-Greenwood.

MOTION - Adjourn Sine Die

Speaker Brashear moved that the Ninety-Ninth Legislature, Second Session of the Nebraska Legislature, having finished all business before it, now at 5:54 p.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature

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